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Royal Commission on the Donald Marshall, Jr., Prosecution

Public Policing in Nova Scotia

Prepared for
The Royal Commission on the Donald Marshall, Jr., Prosecution

by
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Executive Summary

In this study, we examine the major issues involved in choosing a policing philosophy for Nova Scotians. We conclude that the philosophy which is currently reflected in legislation and in police organization and practices in Nova Scotia - according to which local autonomy, variety and choice, are given preference, but are preferred in the context of a significant measure of provincial oversight and influence - is essentially well suited to the policing needs of Nova Scotia. For these reasons, we do not recommend any fundamental changes in the overall structure of the present policing system in the province. Nevertheless, certain changes in policing policy for the province, and in the way it is determined and implemented, are now required. The principal thrust of the recommendations we make is to strengthen, build on and improve the basic structures which are now in place.

While favouring local choice in policing policy and institutions, we also favour a more effective provincial presence and influence over policing policy. This involves adopting reforms which will give the existing provincial bodies more resources to exercise the powers and authority which they already have under the current legislation and contractual (in the case of the RCMP) frameworks. A philosophy of policing, however good it may be in theory, is of little value in the absence of the resources and will which are necessary to implement it. The provision and allocation of adequate resources for effective policing in the province must be a central concern of this Royal Commission in making its recommendations in this area, and of the Government of Nova Scotia in responding to them.

Major Provincial and Municipal Agencies

Among our various recommendations, we give special attention to the need to provide the Nova Scotia Police Commission (NSPC) with adequate personnel and resources to carry out its legislated mandate. The essential benefit of provincial police commissions, when they are functioning as they should, draws from their ability to function as sources of independent advice and assistance in resolving the kinds of tensions which inevitably arise between provincial and municipal authorities out of their shared responsibilities for policing. Any attempt by the Department of the Solicitor General to assume the role of the Police Commission in this respect will fundamentally erode this important source of independent advice and assistance. We also recommend that the new Police Review Board should have the requisite independence from the police community and from Government (including the Nova Scotia Police Commission) to be an effective agency. In addition, we make several recommendations designed to ensure capable Board members and staff.

At the same time, we do recognize that the Solicitor General remains the executive authority with ultimate responsibility for determining and approving the implementation of provincial policy. The "mixed" system of policing in Nova Scotia, and the particular responsibilities which the Solicitor General has assumed from the Attorney General for the RCMP, ensure that there will be many other sources of policy ideas on which she/he will want to draw. In order to receive, sift through and synthesize the information and advice coming from these different sources, and to identify areas in which there appears to be insufficient information and advice, and take steps to seek out that which is needed, the Minister requires appropriate support services within his/her own Department. To provide for the effective fulfillment of the Solicitor General's executive responsibilities in this regard, we make a series of recommendations, the most important of which is establishing within the Department a position of Executive Director, Policing. The duties of this official should relate exclusively to the fulfillment by the Department of its responsibilities with respect to policing. In conjunction with the creation of the new office and Department of the Solicitor General, we have also recommended the Government carefully review the *Police Act* and Regulations, and the Provincial and Municipal Policing Agreements. The Government should ensure that those powers and responsibilities which formerly belonged to the Attorney General, and which relate primarily to the provision of legal advice and the administration of justice in particular cases, remain the responsibility of the Attorney General and not be transferred to the Solicitor General.

Our research indicates that there is an absence of adequate standards, guidance and support for municipal police governing authorities. We believe that one of the best vehicles for developing standards for municipal police governance would be an active association of municipal police governing authorities, which would provide a forum for the sharing of common experiences and problems and the development of common solutions to these problems. We have therefore recommended that an Association of Municipal Police Governing Authorities of Nova Scotia be formed, with a small staff (*e.g.* a full time Executive Director, a Research Officer and a Secretary), and with a mandate to provide advice, information and educational services (*e.g.* through an Annual Conference, regional meetings, etc.) to municipal police governing authorities throughout the province.

Police Organization

One of the real strengths of municipal police department (MPD) organization - its orientation to providing immediate response to citizen and community concerns - is also a source of some weakness. The focus of most MPDs on providing immediate responses to difficulties as they arise means that they are not as inclined to undertake long-term planning. Neither are they as likely to do systematic evaluations or audits of their performances. There is a need for MPDs to have more deliberate planning processes, and monitoring of the successes and failures of departmental plans. This planning should involve the specification of departmental goals and priorities. It should also lead to the construction of an objective set of job descriptions, job standards, and appraisal systems for evaluating job performances.

Further, the evidence presented in our study demonstrates that small MPDs with low pay standards have the least qualified personnel and low morale. These small MPDs should be encouraged to improve their pay standards (bearing differential living costs in mind). This will require provincial financial support, but it will help ensure the quality and morale of the new personnel joining MPDs.

Another issue which needs to be addressed at the MPD level concerns the inadequacy of their pension plans. A substantial majority of the MPDs now have pension plans, but many of them, particularly in the smaller departments, are quite new. As a consequence, older members of the MPDs stand to gain little from the plans. Poor pensions affect recruitment, lower morale, and force older men who ought to be moving towards retirement to continue working. An additional problem for many MPDs arises from the considerable penalty clauses for early retirement (almost always defined as prior to 65 years of age). We have recommended that the Nova Scotia Police Commission, with its renewed research mandate, should undertake a comprehensive evaluation of MPD pension plans in cooperation with the Chiefs of Police Association of Nova Scotia (CPANS), the Canadian Union of Public Employees (CUPE), the Police Association of Nova Scotia (PANS) and the proposed Municipal Police Governing Authorities Association (MPGAA). Special attention should be devoted to providing retirement packages for approximately 100 older MPD members (over 50 years of age), and the removal of penalty clauses for early retirement.

In terms of MPD training, we support the need to utilize a regional Police Academy, as well as other available institutions, to establish and maintain the standards being developed by the NSPC. The region is sufficiently small that any attempt to decentralize training will jeopardize what has been accomplished to date. Since criticisms

have been made of the training offered by the Atlantic Police Academy, we have recommended that the Solicitor General's Task Force combine its study of training with an assessment of the existing studies on the financial costs to the Province of Nova Scotia for the Atlantic Police Academy's programmes.

In terms of investigative capacity and organization, it is clear that the high level of autonomy in detective work which existed in Sydney in the early 1970s does not currently exist in the province. Serious criminal investigations are now subject to closer scrutiny by senior members of all MPDs in the province. However, most MPDs still have not established formal policies or reporting procedures for investigative work. In keeping with the earlier recommendation regarding department plans, we have recommended that MPDs shoul l cooperate with the Nova Scotia Police Commission to produce a uniform set of guidelines for investigative work.

Police/Minority Relations

Our analysis of national data on police racial attitudes, as well as our qualitative data from Nova Scotia, suggests that we can anticipate the continuing existence of negative perceptions of visible minorities. Insofar as the police share community norms, which are prejudiced in a variety of ways, there will be no easy solutions for police/visible minority group relations. Some of the programmes now in place are a move in the right direction, but the prospect that another Marshall case may occur because of negative attitudes Whites have towards visible minorities in Canada is one which must be taken seriously.

In view of the current distribution of visible minority group members, and the shortfalls now evident in police/minority relations in the province, we have recommended that special attention should be given to more intensive training for cadets whose first assignment will be in areas of high visible minority concentration. In addition, Detachments and MPDs located in areas of high visible minority concentration should allocate proportionally more of their resources to multicultural training. This training should recognize the considerable differences in the situations and experiences of different visible minority groups in the province. Detachments and MPDs will be individually responsible for ensuring that training in minority issues is delivered on a timely basis. The NSPC will monitor Detachment and MPD performance in this area.

While we recognize that negative racial attitudes go beyond questions of stereotyping, we have also recommended that all MPDs promulgate official policies on stereotyping similar to the ones currently adopted by the RCMP (RCMP Administration Manual

III.9) or the Metropolitan Toronto Police Force (Standing Order Number 24).

The analysis we have presented in our study shows that MPDs in the province are generally as progressive as those elsewhere in the country (and in some instances, more progressive) in recruiting members of visible minority groups. Furthermore, these minority group members are generally employed in communities which have larger minority group populations. Nevertheless, there are still units which are nowhere close to being representative of the communities they serve. We have therefore recommended that recruitment of visible minority group members and women should be actively encouraged by both police and government organizations. Both the RCMP and MPDs in the province should establish specific recruitment targets which reflect the distribution of various minority groups in the population. We have also recommended that particular attention should be given to using outreach recruitment methods.

Conclusion

It is clear that our recommendations, taken as a whole, will require substantial additional resources if they are to be implemented. Quality policing cannot be achieved through neglect, and our view is that if quality policing is what Nova Scotians want, they and the Government will have to take more realistic attitudes towards the costs involved.

Preface

This study is designed to provide an overview of public policing in Nova Scotia. We begin with a description of the organizational structure of policing in the province, then proceed to an analysis of the various governmental agencies most directly concerned with policing in the province. These include the Attorney General's Department, the Nova Scotia Police Commission, the new Solicitor General's Department, the Department of Municipal Affairs, Municipal Councils, municipal Boards of Police Commissioners, and the new Police Review Board. Each unit is discussed in terms of the legal principles which govern its activities, and its actual practices. A discussion of public complaints against the police and intervention in individual cases follows. We then consider the recruitment and training policies and practices of municipal police departments (MPDs) and the municipal and provincial components of the RCMP ('H' Division). Special attention is devoted to issues which bear on the investigation of serious crimes and on police relations with visible minority groups. Next, we examine investigative work in the province and describe the distribution of serious crime and of investigative personnel. We also focus on the supervision of investigative work and investigative relations between the MPDs and the RCMP. We then employ national and provincial data to examine police/minority relations. Finally, we provide a set of recommendations and suggestions for future research.

Our initial research objectives were shaped by the following outline provided by the Commission's Research Director:

Research Outline

Police Study: An Examination of Police Organization, Training Standards, and Practices in Nova Scotia

Introductory Note

The objective of this study will be to provide a descriptive overview of the policies and organization of police forces in Nova Scotia and their activities from the recruitment stage, through selection, training, and operational practices and procedures. The study will focus on the municipal police forces (MPFs) with particular reference to the police forces of Sydney, Halifax, Dartmouth and a representative sample of forces from the smaller municipalities. Reference will be made throughout the study to the RCMP for comparative purposes.

1. *Organization*

Describe the basic organization of policing forces in Nova Scotia with particular reference to the following questions:

(a) Distribution of RCMP versus MPFs (*e.g.* urban/rural and major municipal centres).
(b) Jurisdiction of RCMP under federal-provincial contract and compare with MPFs.
(c) Actual departmental organizational structure of RCMP forces in Nova Scotia and that of MPFs.
(d) Police Commission of Nova Scotia - its role and jurisdiction with particular attention to standards and policies for recruitment, training, promotion, the development of "generally accepted police practices" and assistance provided to MPFs.

2. *Recruitment/Selection*

Describe the current policies and practices of the MPFs. Compare/contrast with RCMP and with particular reference to the following:

(a) Entry level qualifications.
(b) Selection process.
(c) Representation of Blacks, Native peoples, and other visible minorities.
(d) Recruitment, selection and promotion policies with respect to visible minorities.
(e) Factors which militate against representation of visible minorities.

3. *Training*

Describe the training policies and practices of the MPFs and compare with the RCMP having particular reference to the following questions:

(a) General statements of training policy.
(b) Entry level training.
(c) Initial on-the-job training.
(d) Relationship between training, educational achievement and promotion, and identification of any specific training prerequisites for promotion.
(e) Identify training facilities, departmental training programs and budgets; discuss availability and accessibility to MPFs.
(f) What are the costs of accessing the training facilities or programs, the funding or cost-sharing arrangements and the budgetary provisions made for same.

(g) Identify specialist training courses, their availability/accessibility and any necessary prerequisites for same (*e.g.* criminal investigations, interrogation/interviewing and statement taking techniques).
(h) Identify and describe any cross or multicultural training or sensitivity courses/programs, their availability and policies with respect to same.
(i) Percentage of personnel on training status and percent of budget dedicated to same.

4. *Practices/Procedures*

Identify and describe those operational practices and procedures which have particular relevance to the following in both the MPFs and RCMP:

(a) Supervision of the work of crime investigators/detectives.
(b) Ensuring against the tunnel-vision/one track theory of "who-done-it".
(c) Investigation of crime scene.
(d) Interrogation/interviewing of suspects/witnesses (including statement taking) with particular attention to minors or persons with mental health problems.
(e) Relationship with RCMP - describe any stated policies/procedures with respect to type of assistance available to MPFs from RCMP and circumstances when it should/must be accessed.
(f) Describe the relationship between MPFs/RCMP and local Crown prosecutors having particular reference to the laying of charges and disclosure of information to Crown by police.
(g) Briefly describe promotional policies/practices with respect to particular prerequisites for promotion to senior management levels.
(h) Complaints - Identify/describe any stated policies and procedures with respect to the handling of public complaints regarding police behaviour.

5. *Analysis/Recommendations*

Identify and analyze those characteristics or conditions with respect to police organization, recruitment, selection, training, and practices which affect the quality and effectiveness of policing today and in particular the ability of police forces to respond to the requirement to investigate serious crimes and to develop and maintain a positive relationship with Natives, Blacks and other visible minorities. Formulate appropriate recommendations.

It will be clear from this outline that our study was not intended to examine specifics of the Donald Marshall, Jr. case as such, but rather to consider more generally aspects of the structure and delivery of police services and policies within the province which may have had a bearing on the way this case, and others like it, are handled by the police.

Our final report differs somewhat in emphasis from the original design set out above. We became aware that certain matters would require more extended treatment than initially anticipated. Thus, the section on the Attorney General's Department, and the attention given to financial issues throughout the report, have been added. We also encountered limits in the kinds of data we could obtain within the time available. The study generally does not provide much comparative context for our data or analysis. In particular, we would like to emphasize that this study cannot, and does not, evaluate the delivery of police training, nor does it have the in-depth, qualitative materials on investigative work which might be desirable for a full understanding of investigative capacity and abilities in Nova Scotia (see Ericson, 1981, for an example of the kind of data we have in mind here).

We would also note that the Royal Commission has undertaken separate studies of relations between the legal system and the Black and Micmac communities. The Royal Commission will be integrating these different studies in its final report. We have sought to avoid duplicating the efforts of these other studies; as a result, our report does not contain any conclusions as to whether any separate or different policing structures for areas of particular minority concentrations would be justified.

Our data collection consisted of:

(1) in-depth interviews with key government officials, the Chairs of Boards of Police Commissioners, MPD and RCMP officers, representatives from the Atlantic Police Academy, the Canadian Police College, Canadian Union of Public Employees and Police Association of Nova Scotia;

(2) examination of files and other official documentation within various government departments and agencies;

(3) mailback surveys from the Chiefs of all MPDs;

(4) examination of administrative, operational, and training documents from the RCMP;

(5) collection of information sheets on all sworn officers in MPDs

and the RCMP involved in provincial policing; and

(6) secondary analysis of a national data set which contains information on police attitudes towards the Charter of Rights and visible minorities. Details on our methodologies are contained in Appendix 15.

The authors wish to acknowledge the generous participation and helpful assistance of Professor Don Clairmont as general Advisor to the project. In addition we would particularly like to thank the following for their help in carrying out the study: Lynda Clairmont, Research Assistant; Donna Edwards, Secretary; Brenda McGilvray, Royal Commission's Librarian; and John Briggs, the Royal Commission's Director of Research. We also gratefully acknowledge the cooperation which has been extended to us by the following: Mr. James Bissell, counsel for the RCMP; Staff Sergeant Tom Lowe of the RCMP; Messrs. Darrel Pink and Jamie Saunders, counsel for the Attorney General's and Solicitor General's Departments; Mr. George Smith, acting Executive Director, Nova Scotia Police Commission.

We wish to extend special thanks to all those who attended and participated in a one-day workshop organized by the Royal Commission, at which an earlier draft of this report was thoroughly discussed. While they are too numerous to mention by name, we will single out for special mention those who prepared thoughtful written comments on our work: Professor Jean-Paul Brodeur (Directeur, Centre Internationale de Criminologie Comparée, Université de Montréal); Professor Chris Murphy (Department of Sociology and Social Anthropology, Dalhousie University); Mr. C.L. Campbell (Director, Atlantic Police Academy); Professor Don Clairmont (Department of Sociology and Social Anthropology, Dalhousie University); and Ms. Nadine Cooper-Mont (Deputy Solicitor General of Nova Scotia) and her staff. (A list of the participants in the workshop is found in Appendix 1.) We have found all of these comments extremely valuable, especially in helping us to clarify the conclusions and recommendations of this report. We hope that those who have contributed in this important way will recognize their contributions in this final version of our report, and will not be too disappointed by what we have made of them.

Finally, we would like to record our thanks to the members of the Royal Commission who gave us the privilege of undertaking this study on their behalf, and who have offered us support and encouragement throughout our endeavours. We trust that they, too, will not be disappointed with the results of their expressions of confidence in us. For us, undertaking the study has been a very rewarding experience.

Part 1
Organization of Policing

1.1
Introduction: The Legislative Framework

Provisions for the control and accountability of policing in Nova Scotia are set out in three key documents: the *Police Act* of 1974 (as amended in 1977, 1980 and 1985), Regulations promulgated pursuant to Section 37 of the *Police Act* by the Governor in Council, and the Provincial Policing Agreement negotiated between the Government of Nova Scotia and the Government of Canada in 1981 (which remains in effect until 31 March 1991). This agreement is authorized by Section 12 of the Nova Scotia *Police Act* and Section 20 of the federal *RCMP Act*. There are also ten more or less identical agreements in force, between the Government of Canada and Nova Scotia municipalities, whereby the RCMP provides municipal policing services to those municipalities. These agreements are authorized by Section 18 of the Nova Scotia *Police Act* and Section 20 of the federal *RCMP Act*. Finally, informal agreements (between the Government of Nova Scotia and six municipalities) exist, whereby policing services provided to the Province under the Provincial Policing Agreement can be "extended" to provide policing services directly to those municipalities. These agreements are authorized by Section 18 of the Nova Scotia *Police Act* and Section 20 of the federal *RCMP Act*.

These key documents provide a framework in which the responsibility for providing policing services in the province, and the control and accountability of these services, is shared between a variety of central (provincial) and local agencies. Because of the provincial and municipal policing agreements, and because the RCMP also performs national policing duties within the province, the Government of Canada also shares in some of these responsibilities (mainly through the RCMP itself, and the responsible Federal Government ministry, the Ministry of the Solicitor General of Canada).

In this Part of our report, we shall first provide a general overview of the role of these various central and local agencies in the control and accountability of policing within the province, and then turn to consider some key issues which have arisen in this area in recent years.

1.2
Police Organization in the Province of Nova Scotia

1.2.1 The distribution of RCMP and municipal police force units and their personnel

The RCMP

The Royal Canadian Mounted Police in Nova Scotia ('H' Division) had a total establishment of 921 positions as of the end of 1987. Organizationally, the Division headquarters is located in Halifax, and the province is divided into four subdivisions with headquarters at

Table 1.A
The RCMP
RCMP Units and Municipal Police Departments: Location, Strength, and Population Base in 1987

Unit	Regular Members	Population
Yarmouth Subdivision		
Barrington Passage	6	8922
Bridgetown	8	18127
Digby	9	12646
Digby Municipal	6	2525
Liverpool	6	9851
Liverpool Municipal	5	3295
Meteghan	5	9740
Shelburne	6	6292
Shelburne Municipal	4	2312
Yarmouth	7	19456
Yarmouth Municipal	15	7617
Halifax Subdivision		
Bridgewater	7	17000
Chester	8	10914
Cole Harbour	31	36629
Halifax	16	25796
Kingston	8	11743
Lower Sackville	29	40399
Lunenburg	5	7887
Musquodoboit Harbour	7	9576
New Minas	20	30989
Sheet Harbour	5	4874
Windsor	9	19437
Windsor Municipal	6	3665
Truro Subdivision		
Amherst	6	8448
Antigonish	6	11303
Antigonish Municipal	8	5291
Canso	3	3231
Guysborough	3	3985
Oxford	3	2981
Oxford Municipal	3	1376
Parrsboro	2	3098
Parrsboro Municipal	3	1729
Pictou	4	5829
Pictou Municipal	6	4413
Pugwash	3	3795
Sherbrooke	4	4451
Stellarton	12	14984
Stewiacke	14	18790
Tatamagouche	4	4847
Truro	14	25674
Sydney Subdivision		
Arichat	3	4645
Baddeck	5	4875
Cheticamp	3	4896
Glace Bay	7	8373
Ingonish Beach	4	3825
Inverness	7	7766
Port Hawkesbury	9	8556
Port Hawkesbury-Municipal	5	3869
St. Peters	5	6356
Sydney	18	28051
Sydney Mines	9	11447

Halifax, Truro, Sydney and Yarmouth. Table 1.A shows the various detachments which operate under the supervision of each subdivision. The Division is under the supervision of a commanding officer at the rank of Chief Superintendent. Halifax Subdivision is under the command of a Superintendent and Truro, Sydney and Yarmouth Subdivisions are commanded by Inspectors.
The rank structure of the RCMP and police services provided by major activity are indicated in the Tables on page 3.

1. Federal Policing

Enforcement of federal statutes and executive orders is composed of the following:

(a) *Federal Law*
This includes such activities as drug, customs, excise and other federal statute enforcement as well as a variety of support services.

(b) *Protective Policing*
This includes airport policing and various security-related activities.

(c) *Other Police Services*
Indian Special Constables to provide police services on reserves.

2. Police Services Under Contract

"Police Services Under Contract" is composed of provincial and municipal policing. Policing services are provided under agreements between the Attorney General of the Province and the Solicitor General of Canada for provincial policing and between the municipality and the Solicitor General of Canada for municipal policing.

(a) *Provincial Policing*
This includes detachment policing, traffic, general investigation, identification, commercial crime, dog services, and various administrative and operational supervision responsibilities at Headquarters Halifax and each Subdivision.

(b) *Municipal Policing*
This is provided to ten municipalities with populations in excess of 1500, which are listed on Table 1.A along with the number of regular members at each location. The municipalities have the option of providing their own municipal police force, and have chosen to have the RCMP serve their area. In addition, the municipalities provide personnel for stenographic and clerical duties, of which there are nine in the Province. The municipal detachments also receive support

Rank Structure of the RCMP

Rank	Personnel
Chief Superintendents	1
Superintendents	3
Inspectors	12
Staff Sergeants	41
Sergeants	80
Corporals	135
Constables	428
Special Constables	31
Civilian Members	50
Public Servants	140
Total	**921**

Police Services by Major Activity

Activity	Personnel
1. Enforcement of Federal Statutes and Executive Orders	154
2. Police Services Under Contract	
•Provincial Policing	618
•Municipal Policing	61
3. Divisional Administration	88
Total	**921**

Distribution of Regular Member Establishment within Provincial and Municipal Policing

Function	Personnel
Detachment Policing	379
Highway Patrol	88
General Investigation Section (GIS)	29
Identification	18
All Other Operational Support and Administrative Services[1]	165
Total	679

1. This figure includes Public Servants (83); Communication Centre Operators and Supervisors (46); Divisional and Sub-Divisional Staff (22); Commercial Crime (6); Dog Handlers (4); Polygraph (2); and Crime Prevention (2).
2. An exception is made for murder and attempted murder in some areas. MPDs in Bedford, Bridgewater, Dartmouth, Halifax, Sydney and Truro are empowered to carry out their own murder and attempted murder investigations.
3. This paragraph refers only to investigative resources available at the provincial and municipal levels.

services from provincial policing and federal enforcement as required (see Table 1.B).

3. Divisional Administration

"Divisional Administration" includes the Commanding Officer and his staff, and other functions such as administration and personnel, audit, financial services and informatics.

(a) *Administration and Personnel*
This includes such functions as internal investigations, public service administration, compensation, staffing and training.

(b) *Financial Services*
This includes supply and services, property management, and transport management.

(c) *Informatics*
This includes the Data Centre, communications and records management.

In addition to Divisional Headquarters at Halifax, and Subdivision Headquarters at Halifax, Truro, Sydney and Yarmouth, there are 41 rural and ten municipal detachments, highway patrol units at 20 locations, general investigation units at nine locations, and identification units at six locations.The distribution of regular member establishment within provincial and municipal policing is indicated in the last table on this page. As a general policy, the police department having jurisdiction in the area where an offence was committed is responsible for the investigation. The RCMP only conducts a *Criminal Code* investigation in the jurisdiction of another police department if:

(a) a request to assist is received; or
(b) the Attorney General directs the RCMP to carry out an investigation; or
(c) the offences of murder or attempted murder have been committed.[2]

General Investigative Service (GIS) units are located in Yarmouth Subdivision (1), Halifax Subdivision (4), Truro Subdivision (2), Sydney Subdivision (3), New Minas (3), Lower Sackville (6), Cole Harbour (6), Stellarton (2), and Sydney (2).[3] These GIS units are situated where justified by the volume of serious cases. The officers involved are plain clothes officers who typically undertake major investigations after serious offences have occurred. In addition,

Table 1.B
Municipal Police Departments
RCMP Units and Municipal Police Departments: Location, Strength, and Population Base in 1987

Department	Regular Police Strength	Population
Amherst	19	9,567
Annapolis Royal	3	612
Bedford	16	7,945
Berwick	5	2,035
Bridgewater	14	6,524
Dartmouth	142	64,365
Dominion	5	2,720
Glace Bay	35	20,292
Halifax	263	112,360
Hantsport	3	1,343
Kentville	12	5,158
Louisbourg	3	1,338
Lunenburg	7	2,943
Mahone Bay	3	1,081
Middleton	6	1,755
New Glasgow	22	9,941
New Waterford	14	8,261
North Sydney	10	7,400
Springhill	9	4,688
Stellarton	9	5,221
Sydney	67	27,475
Sydney Mines	11	8,000
Trenton	7	3,065
Truro	26	11,960
Westville	6	4,235

4. Additional police service is provided to six communities with populations less than 1500 under a separate Extended Policing Agreement between the community and the Attorney General of Nova Scotia. These are Clark's Harbour (Barrington), Bridgetown, Stewiacke, Mulgrave (Port Hawkesbury), Canso and Lockeport (Shelburne).

5. The Louisburg MPD was replaced by an RCMP detachment this year.

6. The discrepancies in the numbers of members reported for the Halifax and Dartmouth Police Departments represent differences between numbers at the end of 1987 (Table 1.B) and the numbers present when data was collected from the Departments in the Spring of 1988.

7. This description of the Halifax Police Force is taken from Clairmont (1987:6-8).

Division headquarters has an officer in charge of criminal operations, six officers who work in a commercial crime section, two officers for polygraph work, and five readers for Criminal Investigation Branch (CIB) affairs. Identification units are located in Halifax Subdivision (5), Truro Subdivision (3), Sydney Subdivision (3), Yarmouth (3), New Minas (2), and Port Hawkesbury (2). In all instances, detachments and their unit commanders are regarded as having primary jurisdiction for investigations taking place in the area. Detachments can call in GIS services, or federal services, when they find it useful. There is also a dog handler at each Subdivision and seven Native Special Constables at Stellarton (1), Stewiacke (4) and Baddeck (2).[4] An organizational chart for 'H' Division is given in Appendix 3.1.

The Halifax, Dartmouth and Sydney MPDs

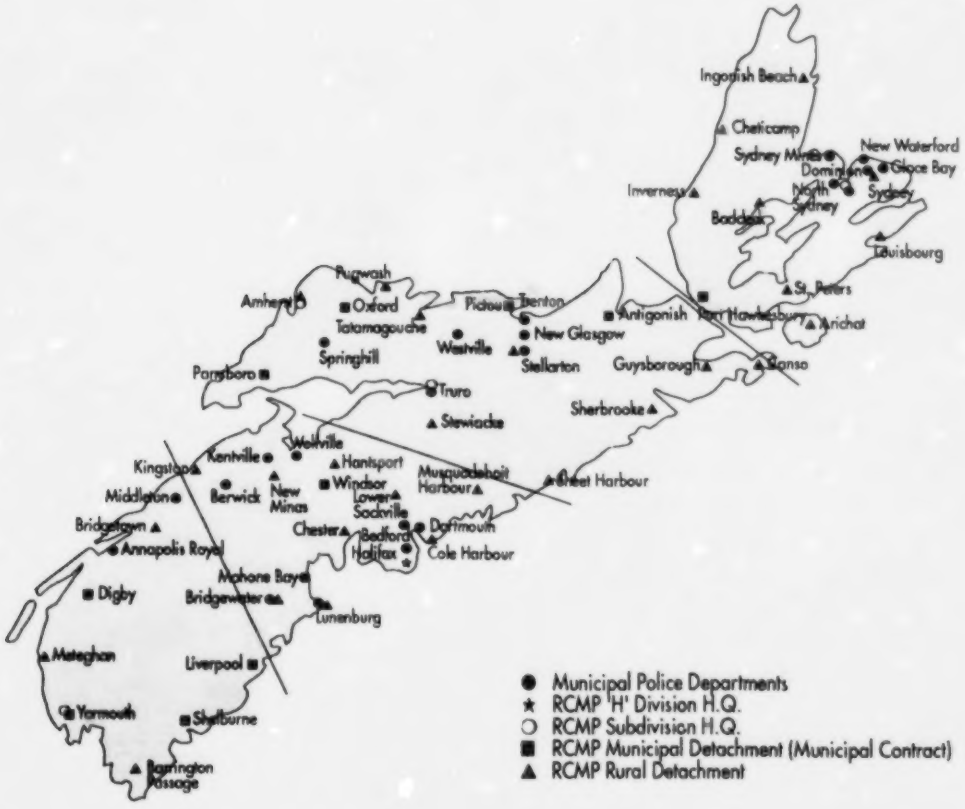
Halifax

There are 723 officers from 26 MPDs serving a population base of 333,489. As indicated in Table 1.B, the Halifax (263 officers), Dartmouth (142 officers), and Sydney (67 officers) departments account for 65.3 percent of the regular MPD[5] strength. The Halifax Police Department (HPD) currently employs 261 members[6] in eight different ranks. Along with a Chief and Deputy Chief, there are three Superintendents, eight Inspectors, six Staff Sergeants, 31 Sergeants, 19 Corporals, and 192 Constables. In addition, there are 56 civilian support staff, and 21 Commissionaires. The Criminal Investigation Division (CID) has one Inspector, two Staff Sergeants, four Sergeants, three Corporals, and 16 Constables. The CID functions include major crime, drugs, fraud, intelligence, morality, missing persons, technical surveillance, and joint forces operations. In addition, there are 12 Corporals within the three major zones (one for each of four sections within each zone) who have investigatory responsibilities. The Department's organizational structure is given in Appendix 3.2.

The Department over the years had established a reputation for honesty and efficiency.[7] Its policing style could be termed big-city policing, featuring a high division of labour (only about 60 percent of sworn employees and only 47 percent of total employees were in the patrol division), strong specialist orientations and an equal emphasis on crime-solving and calls-for-service. Its size - an average of 270 sworn employees over the past decade - and lack of geographical dispersion permitted a close, authoritarian management style. As far as city administrators and top police management were concerned, HPD was likened to a tightly-run fortress. In 1985, subsequent to the appointment of a new Chief of Police, a five year plan of change was introduced into the Halifax Police Department. The change focussed

around the introduction of community-based zone policing but also includes civilianization and upgrading in training and technical (especially computerization) areas. On the surface at least the change program could profoundly affect organizational structure, operational dynamics and the subculture of the department. Community-based zone policing meant that the patrol division, organized in terms of many districts policed by city-wide platoons, was to be reorganized into three zones - Alpha, Bravo and Charlie - with a strong commitment to the principle of zone integrity. Within each zone there was to be squad or team policing (because of the shift schedule there are four squads per zone) characterized by a democratic leadership style. In addition to participating in squad and zone level decision-making, the constables were redefined as 'constables generalist', a role redesignation that encouraged and indeed required greater investigative and proactive police work.

Map 1 Nova Scotia: Municipal Police Departments and RCMP Detachments



Along with these changes in the patrol division there have been drastic modifications of other specialist substructures that had been built up in recent years in the Department. Community Relations (CR) has been virtually eliminated and the Criminal Investigations Division has been sharply downsized and several of its specialized sub-units, such as the auto theft squad, have been eliminated. Such changes reflect the transfer of significant proactive and investigative responsibilities to the zone constables. While there has been the creation of a few specialist roles such as crime analyst to serve the zones (one, part time, per zone) the only specialist sub-system that has been elaborated is that dealing with personnel and training.

The previous style of work in the patrol division had been characterized by limited constable initiative and a close authoritarian style of supervision. The constables could do little without seeking the approval of their NCOs and the corporals and sergeants spent most of their time checking on the constables. With community-based zone policing, democratic leadership and constable job control have been emphasized. Correlates of this change include a redefinition of the corporal's role, (the corporal has become the GIS officer responsible for all squad investigations and liaising with CID, which by implication eliminates much of his/her "checking on others"), and squad/team decision-making.

The changes laid out in 1985 in broad outline were quite striking especially for a Department well-known for its conservative style of policing. Venerable customs and roles such as the platoon were sent into demise; new practices and roles were set forth with considerable implications for the operations of the Department and its status system (*e.g.* the relative status of detective was threatened). With the help of outside consultants a variety of committees were established to ready the force for the introduction of zone policing in June 1986. From volunteers, some 50 officers, roughly one-third of the patrol division, were selected for full time training of four to six weeks at Dalhousie University. The training was almost exclusively provided by police department personnel. The Alpha zone came into operation in June 1986. Subsequently, Bravo in February 1987 and finally Charlie zone in April 1987, became operational.

Dartmouth

The Dartmouth Police Department employs 151 officers. In addition to the Chief and Deputy Chief, there are seven Inspectors, two Staff Sergeants, 13 Sergeants, 15 Corporals, and 112 Constables. There are also a Chaplain (who holds the rank of Honorary Inspector), four Special Constables who serve as Dispatchers, two part time Dispatchers, 15 civilian staff members and two janitors. Eleven officers work in the Administration Division, 30 in the Criminal

Investigations Division, eight in the Traffic Division, 93 in the Platoon Division (23 in platoons A, B and C, and 24 in platoon D), and seven in the Youth Division. The Criminal Investigations Division has an Inspector and Staff Sergeant overseeing its operations. There are 19 officers in the Investigation Section, four in the Drug Section, two in the Identification Section, two in the Canine Section and one in the Polygraph Section. The Investigative Section consists of a three-person intelligence unit, and has a series of teams (two persons each) assigned to the investigation of break-and-enters, theft, fraud, wilful damage to property, and other federal offences. The Department's organizational chart is shown in Appendix 3.3.

In contrast to the Halifax Police Department, the Dartmouth Police Department is run on more traditional small-city principles. As Alan Grant points out, the Dartmouth Department tends to emphasize an "answering calls for service" orientation (Grant, 1981:16). The Department has been "response-oriented", and has only recently begun to develop a "preventive policing philosophy" (Grant, 1981:20).[8] The Department has upgraded its procedures to involve more merit in its recruitment procedures (a "point" system) and promotions policies (more emphasis on actual skills, written exams, and formal interviews). It is also modernizing its records storage and usage with computerization, but informal approaches to rules and regulations do persist. The Department devotes a comparatively large proportion of its personnel to criminal investigation and intelligence work. However, investigative work is still organized along traditional lines. Detectives function as a separate unit, and are not directly integrated in platoon activity. Platoon members tend to be restricted to preliminary investigative work, with detectives brought in to do follow-up inquiries.

8. The Halifax Department operated under much the same principles at the time of Grant's study.

Sydney

The Sydney City Police Department employs 67 officers.[9] In addition to the Chief and Deputy Chief of Police, there are three Inspectors, a Staff Sergeant, eight Sergeants, ten Corporals, and 46 Constables. The Patrol Division has an Inspector, a Staff Sergeant, and has four Platoons, each of which is formally supposed to have one Sergeant, one Corporal, and ten Constables. The Criminal Investigation Division has an Inspector and 13 officers assigned to four sections: Criminal Investigation (four), Identification (three), Drugs (two), and Young Offender/Community Relations (four). The Administrative Division has an Inspector and four officers in Records, Court Liaison, Motor Vehicle Accident Investigation, and Taxi Licensing and Inspection. The Department's organizational chart is shown in Appendix 3.4.

9. Although Sydney has a population under 30,000, it may serve four or five times as many people who work (and play) in the City.

The Department is structured along the same traditional small-city lines as the Dartmouth Department. However, it should be understood that the Sydney Department has modernized itself considerably since the events of 1971. The Department in the early 1970s operated in terms of principles common to many small-town forces in the province. At that time, the Department had minimal recruitment and training requirements, informal record-keeping, a strict division of labour between patrolmen and detectives, and limited internal resources and abilities for investigative work (see Appendix 4 for a description of the Sydney Department which is based on testimony given to this Royal Commission).

The Sydney Department underwent a major organizational change in 1980 which resulted in considerable upgrading for the Department (Nova Scotia Police Commission, 1979). The force uses NSPC standards for hiring, which means that new recruits must be graduates of the Atlantic Police Academy (or an equivalent institution) or they must have work experience with another recognized police force. Approximately 60 percent of the sworn officers in the Department are Atlantic Police Academy graduates. In addition, the Department has been making increased use of outside training facilities to improve the skills of officers on staff. The Department has a training budget of $10,000 or more per year, and expenditures on training have been as much as $30,000 in recent years. Senior officers in the Department also attend the Canadian Police College courses in senior police administration and executive development. The Department does an internal evaluation of courses taken before any other officers may attend.

A separate records section has been created which has two Corporals and a secretary. The Department acquired a computer two years ago, but only uses it for processing traffic tickets to this point. It plans to extend computer use for budgeting and statistical purposes in the near future. Detective ranks have been discontinued in the force, and patrolmen are now encouraged to take a more active role in minor investigations and crime prevention. Patrolmen frequently carry through on minor offences, but call in members of the Criminal Investigative Section if an extended effort is required. The Identification Section is one of only three among the MPDs (Halifax and Dartmouth have the others). The Department has no internal written materials on training, promotions, or investigative methods, but does perceive the need to make improvements in this area.

RCMP Detachments and the smaller MPDs

The RCMP detachments and the remaining, smaller MPDs constitute quite distinct types of policing organization for the smaller communities in which they are located. Murphy has proposed that the two types of units, the "bureaucratic" RCMP detachment, and the "traditional" MPD, represent "two distinctive 'ideal type' models of small town policing" (1986:357).[10] The RCMP detachment, which is associated with a "military-bureaucratic model of police administration" (1987:122) is characterized by formal, systematic rules and regulations, a professional orientation to law enforcement, and a high emphasis on the use of modern technology in its work. Because RCMP detachments are less dependent on local communities for economic resources and legitimacy, they tend to operate as closed organizations. As a consequence of their organizational principles, the RCMP detachments operate with a pro-active police style which is generally associated with high arrest rates. By contrast, the more traditional MPD is less likely to have fully specified rules and regulations which govern individual behaviour or serve as a basis for evaluating organizational performance.[11] The MPDs utilize less modern technology and are more likely to function as community-based peacekeepers. Their greater economic and ideological dependence on local communities encourages a more open style of organization. The MPD organizational structure leads to a more informal policing style which is associated with relatively lower arrest rates. The relative absence of formal bureaucratic constraints for MPDs also implies that there will be more internal variation in the ways MPDs operate.[12]

Murphy's characterization of the smaller Nova Scotia MPDs continues to be an accurate one in the late 1980s. Only a small minority of these Departments have written recruitment, training, or promotions materials. Some of these Departments have recently begun to adopt an operational manual prepared by the New Brunswick Police Commission to help in investigative matters. The rules governing promotion vary considerably. NSPC guidelines and involvement in promotional routines are now employed in a substantial minority of the MPDs, and most describe themselves as using some mixture of seniority and ability in determining promotions. As one Chief states, "seniority with due respect to ability, shall be the governing factor". Assessments of ability may or may not involve written tests. Somewhat greater emphasis is placed on ability for promotion to top ranks, but the importance of police board approval also figures prominently at the higher levels.[13] The MPDs still do not place as much emphasis on advanced technology but many of them, particularly the medium-sized ones, have acquired

10. Murphy's study is based on an analysis of ten RCMP detachments and 30 MPDs in Nova Scotia and New Brunswick which are located in communities which have more than 2,500 but fewer than 25,000 people (1986:ii, 78). These 40 units have an average of 12 officers.

11. The relative lack of formal rules and regulations does not imply the absence of control or arbitrary police behaviour. Rather, there are widely understood informal rules which are embedded in the "organizational and occupational culture" which develops within the MPD (Murphy, 1986:152).

12. Murphy also points out that chiefs in MPDs are subject to a considerable amount of cross-pressure. On the one hand, they have to deal with relatively intrusive town councils which make demands on them and, on the other, they frequently have unionized staffs which make it difficult for the chief to act on council demands. Murphy suggests that the stress inherent in the chief's role can lead to "low morale and a high occupational turnover rate" (1986:176). Of the 16 MPD Chiefs for whom we have data, four have served for three or fewer years, six for six to nine years, and six over 11 years. While there is no connection between MPD size and time in office, there is an association between internal recruitment and time served. Five of the six Chiefs who have served more than ten years were recruited internally, while seven of the ten with fewer than ten years as Chiefs were externally recruited.

13. The organizational structure of these Departments is understandably less complex than the three largest MPDs. The organizational chart for the Bridgewater Department is shown in Appendix 3.5.

sophisticated communications equipment, and are in the process of computerizing their activities. The MPDs continue to emphasize the importance of ongoing contact with the citizenry as part of their peace keeping role. One Chief who is quite attentive to this issue refers to "the taxpayer's right to see a policeman".[14]

There is one significant internal source of variation in RCMP work which relates to the smallness or "ruralness" of the area involved. In smaller, more rural areas, an RCMP member is more visible, typically knows people better, and interacts with them more often on a social basis. Again, because of the small population base, people usually get quicker service. However, the work can be more lonely and, because of the distances involved, more physically demanding. The availability of backup support may also cause occasional concern.

By contrast, policing in relatively more urban, or municipal, areas usually means that one can be more personally distant from the local citizenry. For example, if one is not on duty, and a minor incident requiring attention occurs, one has the option of calling in an on-duty member rather than having to deal directly with the situation. Work in more urban areas is usually done cooperatively with other members, and is typically more psychologically demanding and stressful. The prospects for "burn-out" are somewhat greater in these situations.

The ongoing economic and social dependence MPDs have on local police boards and municipal councils ensures that there is more public scrutiny and discussion of police behavior at a local level. An almost inevitable concomitant of this open style is more tension and conflict between police and politicians at the local level. One Chief who characterizes relations with his own Board as very positive says he is always hearing of problems other chiefs are having with their police commissioners. Another Chief, who does have some problems with his Board, says the commissioners "think they own you" and, as a consequence, think "they can dictate to you". One Chairman of a Board of Police Commissioners, who regards their Chief as very competent, admits that the Chief may not talk to him for several weeks after they have had disagreements about various policies.[15]

By contrast, the RCMP has much more limited interaction with local governmental authorities. Formal annual reports will typically be made to relevant county and municipal authorities to inform them of current crime trends and answer questions which may arise. The RCMP, particularly where they are involved with municipal contracts, are more likely to have informal contact with local politicians who will pass along citizen concerns and complaints about things like parking problems and loitering. However, the style of interaction is quite different as the RCMP do not think of

14. Some opposition to the regionalization of police organizations is rooted in a perception that local MPDs provide superior face-to-face service. One Board of Police Commissioners Chairman who is quite opposed to regionalization said, "The local police need to have a high profile on our main street".

15. The Chief of a Cape Breton MPD focussed on Board interference as a major factor in the transition from an MPD to the RCMP in Louisburg. He said, commenting on the general relationship of MPDs and Boards of Police Commissioners, that "you run out of favours eventually". (See the "Cape Breton Post" (December 10 and 31, 1987; January 10, 1988) for accounts of the issues involved.) We have collected materials on the Louisburg case which indicate that this would be a very interesting case study of board/police relations in conflict situations. George Wheeliker, the former Chief of the Louisburg MPD and James Crosby, the CUPE representative involved, have both been interviewed. The former Chair of the Louisburg Board of Police Commissioners refused an interview. We will not make any substantive comments here because the matter is currently before an arbitration board.

themselves as directly responsible to local authorities. As one typical member with a lengthy career in the RCMP describes it, "I have never been ordered to do things, or had demands made on me. Nothing remotely close to this has happened."

Given their differing organizational styles, it should come as little surprise that there is some friction when MPDs and RCMP units interact. Some MPDs describe themselves as deferring to the RCMP in making arrests in joint activities (*e.g.* drug arrests), and do not think they receive the recognition they might for their cooperation. On their part, the RCMP occasionally report they put considerable resources into investigations and do not receive due credit for their efforts. Other MPDs also think they do not get credit for the various kinds of assistance they provide for the RCMP. They are not happy with the impression that help is a one-way street with the MPDs continually going to the RCMP for assistance. One Chief points out that the RCMP is sometimes unavailable to deal immediately with calls in their jurisdiction, and the MPDs will fill in for them. On the other hand, the RCMP encounter situations in which their legitimate concerns regarding intelligence-sharing, the security of informants, and the need for formal approval of expensive specialized services (*e.g.* polygraph work) lead to a lack of appreciation on the MPD side.[16] Another source of tension which affects interaction and communication between the RCMP and MPDs is the variation in ranks and uniforms between the RCMP and MPDs, and among MPDs themselves. For example, an RCMP Staff Sergeant may be in charge of a Detachment as large or larger than a nearby MPD, and such differences may diminish cooperation at various levels. Finally, there is some MPD resentment of the resource-rich environment in which the RCMP works. As one Chief puts it, the RCMP gets "the big money, the Ident money" but "it's the fellows in blue who do the policing". The MPDs sometimes have the feeling they are being treated as second-class citizens in the police world, and do not think sufficient attention is given to recent efforts to upgrade the training in MPDs.[17] One Chief maintained that the new members of his Department are as well trained as their counterparts in the RCMP and will, as a consequence of their ongoing training, operate as efficiently as the RCMP. Relevant RCMP officers at the detachment level are generally cognizant of these feelings, and do make efforts to respect MPD sensibilities, but they cannot change (nor are they responsible for) differences in resources available to their respective organizations.[18]

16. There are indications of similar tensions regarding access to information among MPDs which have some cooperative relations.

17. One quite extreme example of this difficulty concerns an RCMP officer who will not speak to members of the adjacent MPD when he is out of uniform. He does, however, talk to the MPD members when he is on duty. The possibility that the RCMP can be used to replace an MPD when a police strike occurs also creates some underlying tension.

18. One RCMP member describes instances in which MPD members will be invited to particular investigations which are solely RCMP responsibilities to enhance inter-unit cooperation. Another says he is "walking on egg shells" in attempts to maintain good personal relations. The relations vary considerably from one part of the province to another, and change as the personnel involved move on.

19. PANS also has a civilian local in the Truro MPD, two locals for correctional officers, and one for Ports Canada Police. The Glace Bay MPD moved to PANS two years ago, and North Sydney did the same thing last year.

20. PANS officials said concessions on seniority and overtime provisions in collective agreements for training could be made if more resources were made available for training.

21. Most notably, the use of RCMP services during the lengthy 1981 strike in the Halifax MPD has left some enduring bitterness among some Halifax members.

1.2.2 Union representation

The sworn members of the MPDs have union representation through PANS (the Police Association of Nova Scotia) or CUPE (the Canadian Union of Public Employees). PANS has locals in 20 of the 25 MPDs, with CUPE representing members in Dominion, New Waterford, Sydney and Sydney Mines.[19] Bedford currently has no union representation. PANS began organizing in 1965 and gained full bargaining rights in 1969. PANS has represented MPDs in areas which have subsequently decided to utilize RCMP services (Antigonish, Digby, Liverpool, Lockeport, Shelburne and Yarmouth). PANS thinks it has been successful in improving the salaries, and consequently the quality of personnel, in the province. The organization is less happy with progress in the areas of pensions and training. Existing municipally-sponsored pension schemes are, with one exception, regarded as inadequately structured and/or too small to permit members to retire at a reasonable point in their careers. The organization does not think sufficient resources are devoted to training, nor does it believe that the most competent individuals are being consistently selected for in-service training.[20] PANS has created its own pension scheme for members (as well as dental, medical, and other benefit plans), and has recently expressed concern about the Province's willingness to fund training for MPD members ("Halifax Chronicle-Herald", April 16, 1988, p. 23). PANS does not appreciate the non-union presence of the RCMP in the province, their use in strike situations,[21] or their willingness to assume new policing

Table 2.A
RCMP Units and Municipal Police Departments: 1985 and 1986 Expenditures and 1986 Budgets for Police Work[1]

Table 2A.1 The RCMP/Provincial Police Services

	Total Members in 1986[2]	Amount Billed to the Province[3]	Total Contract Cost in 1986	Amount Billed to the Province Per Member in 1986	Total Contract Cost Per Member in 1986
Provincial Police Services	506	$23,500,000	$37,903,226	$46,442.69	$74,907.56

Table 2.A.2 The RCMP/Municipal Police Services[4]

Municipal Unit	Total Personnel in 1986[5]	Amount Billed to the Municipality[3]	Total Contract Cost in 1986	Amount Billed to the Municipality per Member in 1986	Total Contract Cost per Member in 1986
Antigonish	8	$296,669	$478,497	$37,083.63	$59,821.13
Digby	5.67	$216,459	$349,127	$38,176.19	$61,574.43
Liverpool	5	$185,434	$299,086	$37,086.80	$59,817.20
Oxford	3	$105,218	$169,706	$35,072.67	$56,568.67
Parrsboro	3	$102,880	$165,935	$34,293.33	$55,311.67
Pictou	5.58	$207,955	$335,411	$37,267.92	$60,109.50
Port Hawkesbury	5	$191,964	$309,619	$38,392.80	$61,923.80
Shelburne	4	$144,296	$232,735	$36,074.00	$58,183.75
Windsor	6	$227,819	$367,449	$37,969.83	$61,241.50
Yarmouth	14.75	$531,596	$857,411	$36,040.41	$58,129.56
Total Municipal	**60**	**$2,210,290**	**$3,564,976**	**$36,838.33**	**$59,416.27**

1 The RCMP data refer to a fiscal year which runs from April 1 (of 1986) to March 31 (of 1987), whereas the MPD data apply to the calendar year.

2 This count includes civilian members as well as regular members. The civilian members are employed under the *RCMP Act* and are subject to its regulations. Many of the civilian members counted here are employed in telecommunications work. The Canadian Centre for Justice Statistics data lists 487 regular members involved in provincial police services. There were an additional 81 public servants employed in provincial policing in 1986. The public servants are employed under the *Public Service Administration Act* and are predominantly clerks and stenographers.

3 These costs are adjusted after the fiscal year (usually around July) to reflect the actual cost. For this fiscal year, the final actual costs for the ten municipalities were $288,833; $207,663; $179,171; $105,010; $99,473; $202,629; $188,229; $145,789; $226,987; and $515,417, respectively. The final actual cost from the provincial contract was $23,506,445.

4 Municipal costs, by contrast to provincial ones, do not include support staff, transfer costs for personnel, or associated costs for office space, lights, and power.

5 The average actual personnel figures supplied by 'H' Division have been used in place of the numbers reported to the Canadian Centre for Justice Statistics. The 'H' Division figures are fairer estimates in these cases because they refer to the entire year, whereas the Canadian Centre for Justice Statistics were single point references which do not represent the situation over the entire year.

Table 2.B
Municipal Police Departments

Department	Regular Police Strength in 1986	1985 Expenditures	1986 Budget	1986 Budget per Member
Amherst	19	$816,622	$826,735	$43,512.37
Annapolis Royal	3	$129,514	$121,854	$40,618.00
Bedford	15	$708,842	$770,943	$51,396.20
Berwick	6	$210,400	$216,333	$36,055.50
Bridgewater	14	$555,986	$567,155	$40,511.07
Dartmouth	142	$6,329,722	$6,962,400	$49,030.99
Dominion	5	$254,085	$271,256	$54,251.20
Glace Bay	37	$1,592,057	$1,764,005	$47,675.81
Halifax	263	$13,509,905	$14,085,507	$53,557.06
Hantsport	3	$106,745	$116,519	$38,839.67
Kentville	12	$649,320	$559,241	$46,603.42
Louisburg	3	$98,000	$100,000	$33,333.33
Lunenburg	7	$236,444	$271,185	$38,740.71
Mahone Bay	3	$96,185	$98,019	$32,673.00
Middleton	6	$213,000	$222,000	$37,000.00
New Glasgow	22	$941,591	$1,047,639	$47,619.95
New Waterford	14	$674,652	$647,520	$46,251.43
North Sydney	11	$483,000	$505,000	$45,909.09
Springhill	9	$412,581	$427,712	$47,523.56
Stellarton	9	$409,522	$424,838	$47,204.22
Sydney Mines	13	$436,193	$470,836	$36,218.15
Sydney	67	$2,837,216	$3,006,200	$44,868.66
Trenton	7	$351,402	$387,659	$55,379.86
Truro	25	$1,027,942	$1,123,925	$44,957.00
Westville	6	$299,865	$300,216	$50,036.00
Wolfville	6	$297,000	$294,000	$49,000.00
TOTALS	**727**	**$33,677,791**	**$35,588,697**	**$48,952.82**

22. One of the union's police members maintains that "their service on the street is done at 55. If they're out there after that, they're just a goodwill ambassador for the Department".

responsibilities in the province. PANS officials believe the national resources available to the RCMP give them an unfair advantage in securing policing contracts and in public relations. CUPE believes it has helped to obtain comparatively better salaries for members of small MPDs by engaging in area-wide bargaining with municipal authorities. CUPE shares viewpoints similar to PANS on training, pensions,[22] and the RCMP. CUPE tends to put somewhat greater emphasis on the need to respect seniority considerations in decisions about in-service training candidates because it believes that older members deserve the opportunity to get training necessary for promotion. It is also quite concerned about eliminating any favoritism in selection processes. One issue which we have not been able to explore in any detail concerns the effects of union power on managerial authority. Some of the MPD Chiefs interviewed did express their concern that their traditional powers have been hedged in by union agreements. However, one national study (Hann, McGinnis, Stenning, and Farson, 1985: 75) cautions that concern for the negative consequences of police unionism should be counterbalanced with an appreciation of positive outcomes "in terms of better personnel administration and better human relations as well as less authoritarian management". There is also a potential that police unions will become significant actors in police community relations. To date, the Nova Scotia organizations have not been as vigorous a public presence as their central Canadian counterparts.

1.2.3 Financing police work

One final, and important, aspect of police organization which must be delineated concerns the financing of police work. Data provided by the Canadian Centre for Justice Statistics from their annual police administration statistics survey demonstrate that the average costs per officer to the jurisdiction which directly pays for police services are relatively equal for the RCMP and MPDs. The average costs of RCMP services to the province, which are 62 percent of the total cost[23], was $45,425 per member for the 1986 fiscal year, whereas MPDs averages $48,953 on budget for the 1986 calendar year. However, there is some considerable variability in the average amount of financial support which various levels of governments put into police work. As indicated in Table 2.B the jurisdictions with MPDs range from $32,673 per officer to $55,380 in their 1986 budgets for police work.[24] Seven municipalities with MPDs average less than $40,000, five average over $50,000, and the remainder range from $40,000 to $50,000. There is an association between department size (and population served) and average expenditures, with the larger forces tending to spend relatively more per officer. Dartmouth and Halifax are among the higher-cost forces, while Sydney and Truro rank in the mid-$40,000 range. With the exception of Sydney Mines, all of the jurisdictions spending less than $40,000 per officer have forces consisting of fewer than ten officers. By comparison, the differences among the different RCMP municipal units are not as great. All units under municipal contract range between $34,000 and $39,000 in costs to the province or the respective municipality (see Table 2.A).

It should be made clear that it is neither fair nor possible to make simple comparisons about the financial aspects of policing in Nova Scotia from these data. First, the RCMP (and some of the larger MPDs) provide support services to smaller MPDs whose actual costs cannot be easily estimated. Second, the various units involved generate revenues for their respective governmental authorities which need to be factored into any systematic comparisons. Third, the items included in MPD budgets vary considerably. They may or may not include accommodation, utilities, traffic control, costs relating to the town solicitor, and the like. Fourth, data need to be assembled over time to get a clear sense of overtime economic trends. The fact that the Canadian Centre for Justice Statistics will be continuing its surveys of police costs may make more detailed comparisons possible.

23. This proportion is fixed by contract, and increases by two percent per annum to a maximum of 70 percent for the 1990/1991 fiscal year.

24. The average amounts include: (1) salaries, wages, and benefits; (2) other operating expenditures; and (3) the purchase and leasing of vehicles. Salaries, wages and benefits average 85.4 percent of the MPD budget. Comparative figures for the RCMP are not available. These data come from the first and only survey the Canadian Centre for Justice Statistics has done to date and from the RCMP.

1.3 Regionalization of Policing in Nova Scotia

One of the more long-standing issues relating to the organization of policing in Nova Scotia has been that of regionalization. Proponents of regionalization (the creation of larger regional police forces through the amalgamation of some of the existing smaller municipal forces, perhaps including the integration of some areas currently policed by the RCMP) have argued that the current proliferation of small municipal police forces and rural RCMP detachments in Nova Scotia constitutes an inefficient deployment of policing resources within the province which does not provide the best possible policing service. They argue that larger regional forces would be able to do policing more efficiently and provide a wider range of policing services to a greater number of the residents of the province. The essential theory invoked to support this proposition is that of the economy of scale.

Ideas of regionalization are not without their critics, however. Opponents of these ideas mainly argue that larger regional forces would lose the close community connections which are essential to the provision of effective policing service, and that the kinds of programs of "community-based policing" which regional forces are compelled to adopt as a result can never compensate for this loss of community identification. They argue that regionalization promotes efficiency and economy over effectiveness; that regional police forces become "impersonal" and therefore less attractive to their "customers"; that, for the most part, small town and rural policing does not require particularly sophisticated resources and that, to the extent that it does, these can better be provided through inter-force cooperation than through regionalization; and finally that the result of regionalization is almost always that demands for policing resources in the urban centres take priority over demands in rural areas, leaving rural areas with less efficient policing than they had before. To a great extent, however, opponents of regionalization reflect Schumacher's (1973) dictum that "small is beautiful".

Although we have not traced the debate over regionalization of policing in Nova Scotia to its origins, there is no doubt that the idea of regionalization has been promoted by various people in the province for many years now. One of the most influential of these was the author of the 1974 Report of the Royal Commission on Education, Public Services and Provincial-Municipal Relations (the Graham Commission). Chapter 15 of this report dealt with "Police Protection" and Commissioner Graham asserted that:

"There is no way that Nova Scotia can have effective municipal police protection when 16 independently operated town police forces consist of from one to five members including the chief, six

have from six to ten members, three have 21 to 30 members, and two towns employ a private policing organization." (pp. 15-20)

To resolve this problem, Graham recommended the abolition of the existing municipal police departments and their replacement by ten county police forces, responsible to new county councils (the establishment of which he had recommended elsewhere in his report). Although he did not explicitly acknowledge it, it seems likely that Graham was strongly influenced in making this recommendation by similar restructurings of policing which had occurred in England and Wales during the 1960s and in Ontario during the early 1970s.

Graham's recommendations for regionalization have never been implemented. Indeed, they were made shortly after government attempts to substantially increase provincial control over municipal policing (through the 1973 Police bill) had been successfully watered down by pro-municipal politicians.

Recommendations for regionalization surfaced again seven years later, however, in Chief Judge Nathan Green's Commission to Review the *Police Act* and Regulations (1981). Recognizing that there was a substantial measure of disagreement about the virtues of regionalization in the submissions made to him, Judge Green stopped short of the kind of detailed recommendations for regionalization that Graham had made, and opted for the following recommendation:

"Recognizing the many advantages of regional policing this commission recommends that the province establish a policy that encourages regionalization of police services and that provides a system of grants which would make the regionalization attractive to the municipalities." (p. 74)

Drawing heavily on what he perceived to be the successful regionalization of policing in Ontario, but without actually citing any sources for his conclusions, Judge Green argued that:

"The Ontario statistics prove that regionalized policing provides the lowest cost consistent with the coverage and protection provided. That coverage provides a very high standard of equipment and other support services and the remuneration and benefits of officers and civilians is the highest in Canada.
The question of need is very much related to cost and in this regard the result respecting coverage, organizational flexibility, and self-sufficiency provide a substantial case for justification on the basis of need.

On the matter of personalized policing the experience has shown that with regionalized policing there can be an intensive focus on personal and direct public contact through initiatives contained in the many personalized community services possible through a regionalized approach." (p. 73)

Judge Green identified five areas of the province which, he asserted, "would probably benefit from regionalized police services" (p. 72). These were: the Halifax/Dartmouth Metro area, the urban area of Cape Breton County, Pictou County, the Annapolis Valley, and the Lunenburg area.

Judge Green's recommendations in this regard have received no more favourable response from the Provincial Government than did those of Professor Graham before him. At the time Judge Green was preparing his report, however, the Nova Scotia Police Commission was undertaking a major study at the request of the Joint Expenditure Board of the County of Cape Breton to assess the feasibility of establishing a regional police force for the County. The study had begun in 1979, and in July 1982 the Commission submitted a substantial report to the Joint Expenditure Board, outlining the advantages and disadvantages of regionalization, the cost factors and planning which would be involved, and a possible timetable for implementation. Reporting on its completion of this work in the Commission's Annual Report for 1982, the Chairman of the Commission commented that "[T]he acceptability of regional policing, which has many advantages, appears to turn on the degree to which the Province is prepared to provide financial incentives to make it happen" (p. 2).

The Province apparently did not provide such financial incentives, and it did not happen. From our interviews, however, we have learned that the reason that it did not happen in Cape Breton was not simply the absence of financial incentives from the Province, but the presence of significant disagreements among local politicians about the benefits which could be anticipated from regionalization. Whether these concerns would have been overcome in the event that significant financial incentives for regionalization had been forthcoming from the provincial Government is, of course, purely a matter of speculation. In this connection, however, it is worth noting that regionalization was achieved in England and in Ontario despite some quite substantial local opposition. In both cases, substantial financial incentives were offered to the local municipalities concerned.

In our interviews with staff of the Attorney General's Department and with personnel at the Nova Scotia Police Commission, we sought to learn what positions, if any, these agencies had taken, and

now held, on the issue of regionalization in general, and with respect to the various particular proposals which have been made. From all of these interviews we learned that neither the Attorney General's Department nor the Police Commission had ever taken a clear position either for or against regionalization in general, nor had they developed specific responses to particular proposals that had been made over the years. Staff at both organizations assured us that neither organization had a position on this issue at the time we interviewed them, and that neither had taken any initiatives in this regard since the completion of the Cape Breton study in 1982, although Police Commission staff had attended some meetings in the Bridgewater area to explore "mutual assistance efforts".

The Acting Chairman of the Police Commission indicated to us that he felt that the Commission had had "insufficient resources" to pursue the matter of regionalization. The Director (Criminal) in the Attorney General's Department (who, until recently, was the senior official with responsibility for policing matters) told us that the Department had neither supported nor actively opposed proposals for regionalization. He characterized the Department's position on the matter as one of "benign neglect", and opined that the Government "was just not prepared to spend the necessary money" to bring regionalization about. He also stated that any support which the Police Commission had expressed for the idea could not be regarded as reflecting government policy.

The new Deputy Solicitor General indicated to us that her Department had not yet had the opportunity to develop a policy on regionalization, and would probably not do so until it received the reports of the two studies of policing in the province which it has recently initiated (discussed in Part 2.3). For the time being, then, it appears that government policy on this issue is non-existent and "on hold".

Part 2
Control and Accountability: The Provincial Role

2.1
The Attorney General and the Department

*Note: At the time this section was written the Solicitor General's Department was not yet created. It is to be noted that many of the Attorney General's functions relating to policing are now the responsibility of the Solicitor General.

2.1.1 The scope of the Attorney General's mandate*

It will be seen from Appendix 5 that together the *Police Act* and the Provincial Policing Agreement provide for a very extensive role for the Attorney General in exercising general supervision over the provision of policing services within the province. In particular, Section 9 of the *Police Act* gives the Attorney General very extensive powers indeed to order investigations and inquiries into a wide range of matters relating to policing. The recently proclaimed amendments to Section 3 of the Act widen this authority still further. Section 5 empowers the Attorney General to assign functions and duties to the Nova Scotia Police Commission in addition to the very extensive functions and duties which are assigned to the Commission by the Act itself (as to which, see below). As will be noted below, the Commission was, until the recent creation of the new Department of the Solicitor General, fully accountable to the Attorney General for its activities (see Sections 5(2), 9(5) and 10 of the Act), although it was not technically a part of the Attorney General's Department.

These extensive general powers of supervision over the provision of policing services in the province are reflections of the Attorney General's traditional, more general constitutional responsibility for the administration of justice in the province, which is specifically articulated in Section 3(1) of the *Police Act*.

In addition to the general powers of supervision and monitoring, however, the Attorney General is also entrusted with some important specific powers to influence what policing is done and who does it. In particular, Section 11 of the Act provides that the Nova Scotia provincial police shall be under the Attorney General's "control and direction". During the currency of the Provincial Policing Agreement, however, the RCMP acts as the provincial police force (see Sections 11(7) and 12(4) of the Act), and the Attorney General's role with respect to provincial policing services (PPS) provided by the RCMP is provided for by the terms of the Agreement, which is negotiated and signed by the Attorney General on behalf of the Government of Nova Scotia. A glance at part (b) of Appendix 5 will show immediately that the Attorney General's authority with respect to the PPS is envisaged by the Agreement as very extensive indeed. Not only is the Attorney General authorized to determine or approve the "provincial policing objectives, priorities and goals" to be implemented by the PPS (Section 4(2) of the Agreement), but its Commanding Officer (CO) is required to "act under the direction of the Attorney General in the administration of justice in the province" (Section 4(1)). The Agreement envisages a high degree of accountability of the RCMP in Nova Scotia, not only with respect to the PPS, but also with respect to information obtained by members of

the Force employed in federal policing duties, to the extent that it "affects the administration of justice in the province" (Section 4(4)). Major decisions affecting the command or organization of the PPS (*e.g.* the appointment of a Commanding Officer or CIB officer, numbers and locations of RCMP detachments in the province, and other "major changes to organizational structures" of the PPS) can only be made after consultation with the Attorney General (see Sections 6 and 9). The Agreement also contains provisions for substantial fiscal accountability of the PPS to the Attorney General (Section 14).

While the Agreement thus appears to confer on the Attorney General substantial authority to influence directly the nature and scope of provincial policing services provided by the RCMP, the precise limits of this authority are by no means clear and have rarely been tested within the context of Nova Scotia. One source of confusion in this regard is the language of the Agreement itself. While it provides, for instance, that the CO shall "act under the direction of the Attorney General in the administration of justice in the Province" (Section 4(1)), nobody knows exactly what this terminology comprehends, or how it relates to another provision of the Agreement (Section 3) which specifies that "the internal management of the Provincial Police Services, including administration and the application of professional police procedures, shall remain under the control of Canada". Exactly what constitute "professional police procedures" has never been satisfactorily resolved, although various courts and provincial and federal commissions of inquiry have wrestled with this issue over the years. Some recent decisions of the Supreme Court of Canada on these matters are reviewed in Appendix 6.

Quite apart from the inherent uncertainty of the language of the Agreement, its legal status is by no means free of doubt. Being authorized by statutory provisions of the *Police Act* of Nova Scotia and the federal *RCMP Act*, any provisions in it which are inconsistent with either of those statutes will clearly be legally void and of no effect. At issue here, of course, is the extent of the provincial Attorney General's legal authority over RCMP officers serving in the province under the Agreement as a provincial or municipal policing service. Section 5 of the *RCMP Act* states quite clearly that the Commissioner of the RCMP, "under the direction of the Minister, has the control and management of the force and all matters connected therewith" (the Minister in this case being the Solicitor General of Canada), and Section 18 provides that each member of the force is "subject to the orders of the Commissioner" in the performance of his or her duties as a peace officer. The constitutional question which arises, then, is whether, and if so to

what extent, this situation envisaged by Sections 5 and 18 of the *RCMP Act* is (or can be) in any way altered by the provision of the Provincial Policing Agreement which specifies that the Commanding Officer of the Provincial Police Service in Nova Scotia (*i.e.* of RCMP 'H' Division) shall "act under the direction of the Attorney General [of Nova Scotia] in the administration of justice in the Province" (Section 4(1)).

Also at issue here is the implication of Sections 11(2) and 12(4) of the Nova Scotia *Police Act*, which respectively provide that the Nova Scotia provincial police force shall be "under the control and direction of the Attorney General", and that while the Provincial Policing Agreement is in force, "each member of the Royal Canadian Mounted Police Force, including the Commissioner of the Force and every officer, non-commissioned officer and member of the Force, shall be *ex officio* a provincial constable". While, when read together, these two provisions might seem to suggest that members of the Provincial Policing Services were intended, by the Nova Scotia *Police Act*, to be under the "control and direction" of the provincial Attorney General, this conclusion is cast into doubt by Section 11(7) of the Act, which provides that "No police force shall be established under this Section" (*i.e.* no Nova Scotia provincial police force shall be established) while an agreement under Section 12 is in force. This would seem to suggest that even though members of the Provincial Policing Services are provincial constables by virtue of Section 12(4) of the Act, they are not to be regarded collectively as a Nova Scotia provincial police force for the purposes of Section 11(2) of the Act. Thus, they are not under the Attorney General's "control and direction".

It will be readily apparent that a potential for great legal uncertainty as to the constitutional relationship between the Attorney General of Nova Scotia and those members of the RCMP who provide provincial policing services under the Agreement is created by these various dubiously compatible legislative and contractual provisions. The matter has never been satisfactorily clarified, although two extant decisions of the Supreme Court of Canada on related questions suggest that in the event of any conflict, that Court would be likely to resolve the issue in favour of federal rather than provincial authority over the RCMP (see Appendix 6). In reviewing this conundrum in its 1981 Final Report, the federal McDonald Commission adverted to the problems inherent in these various provisions, but offered no substantial proposals for resolving them. Yet it can hardly be regarded as in the public interest that such a fundamental issue as the locus of legal authority over the RCMP when providing provincial policing services in the province should be the subject of such great uncertainty. For an example of the

potentially grave consequences which may flow from such uncertainty, one need look no further than the circumstances of the Thornhill investigation in Nova Scotia, although it is recognized that other important legal questions (namely more general legal relationships between police and prosecutorial authorities) were also at issue in that case. Despite this uncertainty with respect to responsibility for, and control over, the RCMP when acting within the province, we would reiterate here our conclusion (expressed in Appendix 6) that the Province has shown undue reluctance to assert its influence with respect to the operations of the RCMP in the province, and that "in light of the express language of the Provincial and Municipal Policing Agreements, provincial and even municipal authorities which contract for policing services from the RCMP could assert a more substantial degree of control and influence over the provision of those services without undue fear of significant legal challenge."

The *Police Act* provides much clearer authority to the Attorney General to influence the nature and scope of policing services provided by municipalities in the province. Most critical in this respect is Section 16 of the Act, which empowers the Attorney General to determine which laws shall be enforced by municipal police officers. Equally important are Sections 30 and 31 which authorize the Attorney General to direct municipal police officers to serve outside the municipalities for which they are appointed (Section 30), to assume wholly the direction of police administration within a municipality, and to take over, from a municipal police force, the investigation of a particular crime, or re-assign it to another police force (Section 31). Under Section 19, the Attorney General is empowered to nominate one member of every municipal board of police commissioners (as to which, see below). Under Sections 17 and 21 (the latter of which has recently been repealed), that Minister is given some control over the way municipal police forces are established and over any attempt to disband an (optional) municipal board of police commissioners.

In addition to these powers, Sections 35-36 of the Act give the Attorney General substantial control over the appointment, functions, duties and tenure of special constables and by-law enforcement officers within the province, and Sections 28, 28C and 28D (as recently proclaimed) give him substantial authority to intervene in the proceedings of the newly created Police Review Board (see below).

Important as these powers which are directly conferred on the Attorney General are, they must properly be viewed in the light of another, less direct but no less potent, source of influence over policing for the Attorney General. This influence derives from the

Attorney General's role as the Government's chief advisor with respect to the administration of justice generally, and law enforcement in particular. As Appendix 7 clearly illustrates, a significant battery of powers to influence the nature and quality of policing in the province is accorded to the Governor in Council by the *Police Act*. Most notable of these powers, of course, is the almost unlimited power under Section 37 of the Act to make regulations with respect to all manner of matters related to policing. Indeed, scarcely a single aspect of policing is potentially left untouched by such regulations (especially since the 1985 amendments to Section 37 were proclaimed in force in 1988).

In exercising these powers under the *Police Act*, the Governor in Council (*i.e.*, the Cabinet) normally acts on the advice of its chief law officer, the Attorney General. Although these powers are not accorded to the Minister personally, the Attorney General normally in practice exerts a major influence (in most cases the major influence) over their exercise.

It will be readily apparent that the combination of these direct and indirect powers available under the *Police Act* and the Provincial Policing Agreement provide the Attorney General with enormous potential to exercise a major influence over the shape of policing within the province. We must turn now, therefore, to consider the extent to which, and the manner in which, this influence has been exercised in practice in recent years.

2.1.2 The exercise of the Attorney General's mandate in practice

The ability of the Attorney General and the Department of Attorney General effectively to exercise control and supervision over the provision of policing services in the province has, of course, been constrained by the resources available. In 1987/88, the estimated budget for the Attorney General's Department was just over $86.5 million. Of this total, almost $26 million (32 percent) was to be paid to the Federal Government for the services of the RCMP in the province, and $317,000 (0.4 percent) constituted the provincial contribution towards the operation of the Atlantic Police Academy in Charlottetown. The only other item in the Department's budget which related explicitly to its responsibilities with respect to policing was to be found under the heading "Other policing services", against which the following descriptor was given: "To monitor police and respond to daily queries by senior RCMP personnel relative to both civil and criminal laws. Provide aircraft surveillance to expedite response to provincial Emergency Measures Organization requests and provide faster response time in searching for lost persons." The amount allocated for this item for 1987/88 was $341,600 (0.4 percent

Attorney General's 1987/88 Budget, "Other Policing Services"

Item	Amount
Salaries + employee benefits (this included salaries of the Director and Assistant Director, Criminal Law, and of 2 secretaries)	$194,100
Travel (this included $16,000 for visiting police boards and commissions, and $2,000 for "general" travel)	$18,000
Professional services (this involved grants in the form of "cost of living differentials" to 5 or 6 RCMP members to enable them to locate themselves within the rural communities which they were policing)[25]	$30,000
Printing, stationery and postage (this apparently involved the production and distribution of summary offence ticket informations)	$26,400
Grants and assistance (this involved grants to the Canadian and Nova Scotian Chiefs of Police Associations)	$5,000
Other (this included $45,000 for rental of an aircraft for aerial surveillance; $12,000 to cover expenses in attending negotiations re the Provincial Policing Agreement; and other sums covering leases of equipment, staff training and membership dues)	$68,000
Total - "Other Policing Services"	$341,600

25. Despite the inclusion of this item in the 1987/88 budget for the Attorney General's Department, counsel for the RCMP has informed us that no such payments have in fact been made with respect to RCMP members since September 29th, 1986 (Bissell to Briggs 18/8/88).

of the Department's budget); 4.2 person years were allocated to this function. These represented 0.3 percent of the total person years allocated to the Department (1242.9).

In interviews with senior personnel in the Attorney General's Department, we learned that in 1987/88 the moneys included in this budget item were allocated in the way indicated in the table at left.

It will be immediately apparent from the description of what was undertaken under "Other policing services", and from the allocation of the limited funds and person years to this function, that the capacity within the Department itself for significant supervisory and policy-generating activity with respect to the overall provision of policing services within the province was very limited. The figures also suggest that this responsibility was accorded a very low priority within the Department's overall functional responsibilities. The responsibility for police policy development and planning was not covered by any other item in the Department's budget.

Responsibility for policing matters within the Attorney General's Department was centred within the Directorate of Criminal Law, currently (and for the past ten years) headed by Mr. Gordon Gale, Q.C. Although "responsibility for all matters related to CIB Police, *Police Act*, Atlantic Police Academy, Review Board" was one of the eight responsibilities listed for the Director (Criminal), it is significant that none of this police-related responsibility was specifically assigned in the Department's own description of its organization and activities to any of the five persons working under the Director.

Interviews with relevant personnel within the Attorney General's Department make it clear that within the Department a relatively clear distinction, and separation, was made between the Department's responsibility with respect to the RCMP in the province, and its responsibility with respect to the direct provision of policing services by municipalities. For the most part, it appears that the Department

relied primarily on the RCMP itself to generate policy, priorities and planning with respect to the policing services provided by that Force, and on the Nova Scotia Police Commission (which, as noted above, was not formally a part of the Department, and was the subject of a separate item in the provincial budget) to generate policy, priorities and planning with respect to municipal policing services (including training services provided by the Atlantic Police Academy). In this latter regard, however, as we shall note further below, we encountered some disagreement in our interviews with senior officials of the Department over the extent to which the Nova Scotia Police Commission was regarded as having a major role to play in the generation of policing policy at all.

In interviews, however, senior personnel within the Department candidly admitted that there did not exist, within the Department itself, formal structures or procedures to integrate these two sources of policy, priorities and planning into a coherent, overall plan for policing within the province. These interviewees acknowledged that the great majority of their time was spent addressing particular issues which arose from time to time, and that little time or resources were available to review the "wider picture" of the overall provision of policing services within the province. Indeed, at one point the former Deputy Attorney General, whom we interviewed, seemed to suggest that the Department itself did not have a major role to play in the development of policy with respect to municipal policing. "Municipal policing," he said, "has always been left to the municipalities. The Attorney General has not had any direct involvement in municipal police forces." He went on to explain that the establishment of the Nova Scotia Police Commission "was looked upon more as a means to assist municipalities to perform their responsibilities for policing, rather than to provide the Attorney General with a resource to influence municipal policy."

In fact, the major initiative in reviewing the "wider picture" in recent years was the "Green Commission", which was established in March of 1980 to review the *Police Act* and Regulations. Chief Judge Nathan Green, who chaired this one-person Commission, submitted his report to the Attorney General exactly one year later. This report, while it has undoubtedly exerted a significant and beneficial influence over recent policy concerning policing in Nova Scotia, itself clearly reflects some of the apparently entrenched attitudes towards the generation of policy in this area. Although the report is 82 pages in length, only four pages are devoted to an explicit discussion of the RCMP; and this despite the fact that that Force accounts for almost half of the public policing resources in the province. Only two issues were substantially addressed in those four pages: the problem of dealing satisfactorily with public complaints

against RCMP members within the currently constraining constitutional allocation of responsibilities for this matter, and the problem of perceived inadequate communication between the RCMP and local authorities within the municipalities which that Force polices directly under its municipal policing agreements.

The overwhelming emphasis on municipal policing services which is reflected in Judge Green's report may perhaps be explained in two ways. At the practical level, we were told by senior staff at the Nova Scotia Police Commission that the Chairman of that Commission at the time in fact played a major part in the actual drafting of Judge Green's report. As we shall note below, the Nova Scotia Police Commission has throughout its history consistently adopted the view that its mandate is largely restricted to monitoring municipal policing and, for the most part, does not extend to a review of policing services provided by the RCMP.

More generally, however, there appears to have existed a relatively "hands-off" attitude within the Department towards close supervision of even the Provincial Police Services provided by the RCMP, which belies the language of the Provincial Policing Agreement itself, but which may reflect a response to a number of adverse (for the contracting provinces) rulings of the Supreme Court of Canada concerning the extent to which provincial authorities may constitutionally exercise supervision over the RCMP. It seems likely that Judge Green (and whoever else had a hand in drafting his report) was to some extent reflecting this more general attitude towards the RCMP.

As the terms of the current Provincial Policing Agreement make very clear, however, the Department may have been exhibiting unjustified restraint in this area of its policy responsibilities. This issue is discussed in more detail in Appendix 6.

Interviews with senior personnel within the Attorney General's Department, as well as with the current Commanding Officer of RCMP 'H' Division, indicate that the Department's "oversight" of the RCMP within the province has in practice primarily been accomplished in two ways. First, there were the regular weekly meetings between the Force and the Department, and less regular and frequent meetings between the Commanding Officer of 'H' Division and the Attorney General and/or the Deputy Attorney General. Second, there was an annual, and more formally structured, planning and budget process.

The regular weekly meetings, which typically lasted from one to two hours, were normally attended only by the Director (Criminal) and the CIB officer from 'H' Division, although other personnel from the Attorney General's Department and the RCMP attended as needed. The former Deputy Attorney General whom we interviewed

told us that he would occasionally "drop in" on these meetings if he happened to be in the office at the time. There was typically no pre-set agenda for the meetings. We were told by our interviewees that 90 percent of these meetings were devoted to discussions of particular investigations being undertaken by the Force which the Force felt were likely to proceed to prosecutions. Legal interpretations of evidence and statutory provisions, and possible wordings of charges, were frequently the major topics of discussion, although the RCMP insist that representatives of the Attorney General's Department were seen (by the Force) to be acting in an advisory capacity only, and "not directing our investigations". The RCMP stress their view that the Force has an independent right to decide whether charges shall be laid in any particular case. Since this issue is to be explored in more detail by this Commission in connection with its examination of the Thornhill investigation and the MacLean case, we shall not comment further on the accuracy of the description of the relationship which the RCMP have suggested to us. We discuss the matter of direct intervention by the Attorney General in individual cases further, however, in Part 5 of this report.

Complaints against members of the RCMP, and the manner in which the Force is handling them, were also sometimes discussed at the weekly meetings. In addition our interviewees told us that any matter which was of "mutual interest" to the Force and the Department might be discussed at these meetings. Such matters might be raised either by the Force, seeking advice or direction from the Department, or by Departmental officials, seeking to convey the Department's views or give advice or direction to the Force. Examples of such matters which were cited in interviews included: specific issues concerning the implementation of the *Young Offenders Act* within the province; the use of certain types of law enforcement equipment, such as spiked belts to stop fleeing motorists; witness protection; and law enforcement techniques which may potentially involve the RCMP in violations of provincial laws.

Regular records of these weekly discussions were not kept, either by the Attorney General's Department or by the RCMP, although conclusions reached with respect to individual cases would normally be noted within the files of those cases. The RCMP CIB officer to whom we spoke about this described these meetings as "very informal". Because of this, we have been able to obtain (through our interviews) only the most general impression about how effective these meetings were as a means of overseeing the RCMP by the Department.

Our overall impression in this regard is that while the meetings were heavily dominated by discussions of individual cases, policy matters did occasionally arise, so that the meetings could be

described as one source of at least *ad hoc* policy-making with respect to policing by the RCMP. Policy-making and review, however, do not appear to have been either the major objective or the principal product of these meetings. And when policy did emerge from the meetings, it tended to be in reaction to specific issues which had arisen at the time, rather than policy-making of a more planned, general, proactive, anticipatory nature. As one senior official of the Department put it: "The Department always reacted to matters."

This comment also reflects the fact that it appears to have been the RCMP, rather than the Department, which most commonly initiated policy-making with respect to the Force. The recent history of the so-called "standing directive" of the Attorney General regarding the investigation of serious criminal offences within the province, provides a good illustration of this.

This "standing directive" - which originally required that all offences of murder, rape and attempts at either of these offences be investigated by the RCMP rather than by local police forces, if they occurred elsewhere in the province than in one of the three cities (Halifax, Dartmouth or Sydney) - originated in 1941. Nobody is sure now what circumstances prompted the promulgation of this policy, although it has been suggested to us that it was prompted by the drastic depletion of local police manpower occasioned by military service during the Second World War. The covering letter to the Commanding Officer of 'H' Division which accompanied the original policy, however, suggests that the policy was made in response to the circumstances of a particular murder investigation in the Town of New Glasgow. Whatever the cause for its original adoption, the policy remained in effect unchanged until the offence of rape was abolished through amendments to the *Criminal Code* in 1982 which substituted for it the more general offence of sexual assault. In view of the obvious effects such an amendment would have on the investigative workload of the RCMP in the province if the policy were interpreted to include all sexual assaults, and the difficulty of applying the policy in the absence of a specific offence of rape, the RCMP approached the Attorney General's Department in 1983 with a request that the policy be reviewed and amended. As a result, the offences of rape and attempted rape were expunged from the policy, so that it now covers only the offences of murder and attempted murder. All municipal police forces are now free to investigate all sexual assaults, no matter how serious they are. We have been able to find no evidence from the files made available to us with respect to this policy that anyone else was consulted at the time this change in the policy was made.

By the Fall of 1983, the RCMP's CIB officer was writing to the Director (Criminal) in the Attorney General's Department,

complaining that some town police forces were not respecting the policy, and were investigating murders and attempted murders without recourse to his Force. He concluded his letter:

"I am causing some additional research and hope to have a proposition for discussion in the week. Basically what I shall be proposing is that the matter of investigation of major offences by some town police forces be re-examined."

The matter was discussed at one of the regular weekly meetings, during which the Director (Criminal) evidently encouraged the CIB officer to pursue his "research" on the matter and come forward with specific proposals. A week later the CIB officer wrote to the Director (Criminal) in the following terms:

"I have canvassed the Commanders of our four Sub-Divisions and their responses indicate a potential for five Municipal Police Departments [in addition to the three city forces exempted in the policy] to assume responsibility for investigation of major criminal offences, i.e., *murder and attempts."*

In two cases, the recommendation was qualified. The CIB officer suggested that before any decisions were made by the Department on this recommendation, the chiefs of the relevant police departments be consulted, as "[I]t may very well be that some or all of the Chiefs will express some reluctance for their Departments to assume responsibilities for such onerous tasks."

The Director (Criminal) advised the Deputy Attorney General of this recommendation, saying in his memorandum:

"I have advised [the CIB officer] that we would consider this and perhaps would correspond with those Municipalities to determine if they had any objections to such investigations being turned over to their own municipal forces. If we are to follow that route perhaps it is a matter that should be discussed with the Attorney General. The other alternative is to tell the RCMP to make ad hoc arrangements with those particular police forces so that those forces do the investigations and simply keep the RCMP informed."

The Deputy Attorney General responded:

"I think we should attend on this with the Towns rather than have the RCMP do so. I think your approach is the right one, and ask you to follow through on it."

The record does not indicate whether the Attorney General was advised or consulted on the matter at this stage. In his interview with us, the Deputy Attorney General concerned indicated that he was not able to recall whether or when the Attorney General had been consulted on this matter, but added that he would have expected that he would be consulted "because it involved a change of policy with respect to the RCMP". He also said that such consultation would most probably have been verbal rather than in writing.

The Director (Criminal) duly wrote to the mayors of the five towns concerned, asking for their response to the RCMP proposal. Three months later, he wrote to the Commanding Officer of 'H' Division indicating that two towns had responded, both positively, and that "[T]he other towns have not replied and accordingly I am making the assumption that they are not willing to formally commit themselves." A third town evidently responded positively after this letter was written, because in the "Green Sheet" dated 28 May 1987, in which the revised policy is set out, three towns (Bedford, Truro and Bridgewater) are included with the three cities in the list of municipalities exempted from the policy.

By the end of 1987, as a result of interest in this policy expressed by this Royal Commission, the Commanding Officer of 'H' Division was writing to the Attorney General in the following terms:

"It appears that authorization to conduct major criminal cases has been extended to the police forces of Truro, Bedford and Bridgewater, and that we, the RCMP, provided some input into the decisions leading to such authorizations.

Having reviewed our files, I am at a loss to explain on what standard or criteria we would base such recommendations as clearly no such evaluations or appraisal of those named police departments were undertaken by the RCMP.[26]

Given the foregoing circumstances and the standards of policing within the Province now being examined by the Hickman Commission, it would seem most prudent, in my view, if the referenced authorizations were suspended pending a comprehensive evaluation of the departments concerned, based on an approved standard or criteria established for that purpose.

I would further suggest that without a proper evaluation as described above I could not, and would not, offer an opinion or recommendation on the competencies, or otherwise, of any municipal police department to conduct serious or major criminal investigations."

26. It is perhaps worth noting that the Chiefs of the Bedford and Bridgewater Police Departments were both former RCMP officers.

The matter has now been turned over to the new Solicitor General's Department for further consideration, and was still under review at the time of writing.

The recent history of this particular, and important, policy has been set out in some detail here because it seems to illustrate well the roles (and, equally importantly, the absence of roles) of some of the major players in the initiation and review of key policing policy within the province. In the first place, it is apparent from the available record concerning the "standing directive" that the entire initiative with respect to the recent review of this policy came from the RCMP throughout, rather than from the Attorney General or the Department. Indeed, the Department appears to have played no significant role in reviewing the policy, other than that of acting as a formal go-between between the RCMP and the five municipalities concerned. In explaining the Department's role to us when we interviewed him, the Director (Criminal) commented that: "There's no police expertise within the Attorney General's Department; we had to rely on the RCMP's assessment."

Despite the fact that the policy has important implications for municipal police forces, neither the Nova Scotia Police Commission nor the various representative police organizations (the Association of Chiefs of Police of Nova Scotia, the Police Association of Nova Scotia, and the Canadian Union of Public Employees, which represents many police officers in Cape Breton) appear to have been consulted during the review. In the case of the Nova Scotia Police Commission, this lack of consultation was confirmed in interviews both with the current Chairman of the Commission and with its senior staff member, although the latter indicated that when he had heard about it, he had communicated some views about it informally. The Director (Criminal) indicated to us also that he had not consulted the Commission on this matter, although he did not know if anyone else in the Department had. The former Deputy Attorney General who had been involved also confirmed that as far as he knew the Commission had not been consulted. He explained this by reiterating his view (discussed above) that the Commission was not intended as a policy-making body, and that policy of this kind lay more properly within the province of the Attorney General.

The adequacy of this process as a means of generating and reviewing policing policy for the province is perhaps most acutely called into question by the Commanding Officer of 'H' Division's recent candid admission as to the inadequacy of the process which was followed within his own Force in recommending changes to the policy to the Attorney General's Department. Most important, however, is that this case seems to suggest that in at least some cases the Attorney General's Department has been the recipient (in this

case from the RCMP) rather than the maker of important policy affecting the provision of policing services both by the RCMP and by municipal police forces. This seems to be the very opposite of what one would expect from reading the *Police Act* and the Provincial Policing Agreement.

The apparent passivity of the Department with respect to policing policy also seems to be evident from the annual planning and budget process which it has gone through with the RCMP. Although the RCMP itself has a well-defined, formal process for generating its annual planning document and budget, the process by which it was reviewed by the Attorney General's Department appears to have been very informal. Specifically, the Department did not prepare any kind of document outlining its priorities and objectives for provincial policing for the year. Rather, we were told, it relied on the RCMP to generate these, picking up, in the process, on any concerns or suggestions which may have been communicated to them verbally by the Attorney General or his senior staff during the preceding year. The Commanding Officer of 'H' Division then had an informal discussion of the priorities he had identified, with the Deputy Attorney General, on the basis of which the annual planning document and budget were finalized. The Deputy Attorney General whom we interviewed told us that he could not recall any occasion on which the priorities identified by the Commanding Officer of 'H' Division had ever been substantially questioned or revised by the Department. The annual planning document undoubtedly represents the most sophisticated form of routine police policy planning in the province, if not the only one. In practice, it seems, the Attorney General's Department played a minimal role in its production and review.

Most notable about the role of the Department in policy planning, however, is the apparent absence of any adequate record keeping with respect to this role. Time and time again, when we asked for access to files concerning major policy matters, we were informed either that such files do not exist, or that no one knew if such files existed or where they might be.[27] Our attempts to learn about the genesis of the 1985 amendments to the *Police Act* provide a good illustration of this.

The amendments were enacted four years after Chief Judge Nathan Green submitted his Review of the *Police Act* to the Attorney General in 1981. His recommendations clearly inspired many of the amendments which were finally adopted. In some cases his recommendations were not implemented at all, while in others they were implemented with major changes. We tried for many months in vain to discover by what process Judge Green's report was reviewed by the Government, and by what process the 1985 amendments were

27. As noted elsewhere in our report, we have encountered similar inadequacies in record keeping in many of the municipal police departments we have studied in Nova Scotia. This has caused us to wonder whether this is not a reflection of a much more general pattern within governmental administration in the province.

arrived at. The Director (Criminal) who, according to the Department's organization charts, appears to have been the officer with primary responsibility for policing matters, was able to give us little enlightenment about this process when we interviewed him, other than to recall that an important meeting had occurred at the Chateau Halifax to discuss the 1985 amendments. The Department, however, has not been able to provide a record of this meeting. Indeed, the Director (Criminal) told us that once the Nova Scotia Police Commission was established, he felt that he no longer had any role to play with respect to municipal policing in the province. He advised us to ask the former Deputy Attorney General about how the 1985 amendments came about. He said that either the Deputy or the Minister himself would have instructed the Legislative Counsel on the drafting of the amendments.

The former Deputy Attorney General told us in interview that the Green Report had been circulated for comment by the Attorney General to all interested parties, and that comments were received and forwarded to the Nova Scotia Police Commission for further comment and response. A meeting had been held to discuss the various views expressed, as a result of which the Commission had been asked to prepare draft legislation.

The senior staff member of the Commission whom we interviewed (who has been with the Commission since 1977), however, was unable to enlighten us further about the process through which the 1985 amendments came into being. Nor did the current Chairman of the Commission (who became Acting Chairman in 1986, but had been a member of the Commission since 1982) seem to know anything more about it. We were told that the Commission does not have files on it, and our requests for files from the Attorney General's Department had not resulted in any such files being produced. We subsequently learned (from examining submissions made to the legislature's Law Amendments Committee) that the Attorney General had issued a "discussion paper on the *Police Act*" and invited submissions. For many more months, however, the Department was unable to meet our request for a copy of this document and of any submissions which were made in response to it. Eventually, after our initial draft of this report was completed, these documents were found and provided to us.[28]

The contents of these files are perhaps less significant in understanding the role of the Attorney General's Department and the Commission with respect to policing policy than the fact that officials of both agencies seem to have had so much difficulty recalling the process through which these amendments came about or tracking down any substantial record of it. Nor does this appear to be an isolated case of such problems. Our attempts to discover the fate

28. Submissions were made by the Nova Scotia Chiefs of Police Association, the Police Association of Nova Scotia, the City of Dartmouth, and the towns of Middleton, Sydney Mines, Trenton, New Glasgow and Kentville. The Board of Police Commissioners of the town of Middleton also made a submission, as did the Minister of Labour and Manpower.

of the Nova Scotia Police Commission's proposed "Standard Municipal Police Training Plan", submitted to the Attorney General's Department in 1979 but never implemented, met with similar difficulties.[29]

29. The history of that initiative is described further in Part 2.2.2.

Such poor "institutional memory" would seem to us to have seriously inhibiting implications for consistency and continuity of policy and planning and may perhaps at once reflect and partly explain the difficulty we have had in discerning any major role played by the Department in these areas in recent years. In this connection, it is noteworthy that a report on the Department's organization and management prepared by a firm of management consultants in 1981 seems to suggest that the problems we have identified in the policing area were identified at that time as existing throughout the Department. In their report, the consultants noted that:

"In the absence of effective intermediate management and appropriate administrative support, the Deputy and key Directors must concentrate on day-to-day operational matters, frequently resolving problems in a reactive, "fire-fighting" mode. Thus, policy development and program planning have not received the attention required." (p. 4)

The consultants recommended that the Criminal Law Directorate be split into two separate units, one of which would be a "Law Enforcement Directorate". Commenting on this proposal, the consultants wrote:

"The Director, Law Enforcement, will continue to direct criminal appeals but will now be freed to address broader policing issues and to strengthen liaisons with municipal police boards." (p.14)

The consultants' recommendations in this regard were not implemented.[30]

30. As Professor Archibald's study of the Crown prosecutors, undertaken for this Commission, confirms, the consultants saw this as a general problem throughout the Attorney General's Department at the time.

In reviewing the role of the Attorney General and the Department with respect to policing in Nova Scotia, it remains to consider the indirect role played with respect to the powers (especially the regulation-making power) of the Governor in Council under the *Police Act*. Until very recently, very few of the powers of the Governor in Council to make regulations under Section 37 of the *Police Act* had been exercised. The great bulk of the Regulations passed under the 1974 Act dealt with the procedures to be followed in handling complaints against, and allegations of disciplinary offences by, municipal police officers. A "Code of Discipline" was also included as an Appendix to the Regulations. The only other

matters provided for in the Regulations were: circumstances in which police officers could be dismissed or penalized other than after a full disciplinary hearing; a duty on municipal police officers to "give their assistance and cooperation to the [Nova Scotia Police] Commission, its members and staff"; minimum remuneration to be paid to members of municipal boards of police commissioners; and oaths of office to be sworn by municipal police officers and members of municipal boards of police commissioners.

While not wishing in any way to minimize the importance of these matters, a reading of Section 37 of the *Police Act* will readily make it clear that these regulations covered only a small fraction of the matters with respect to which the Governor in Council had authority to make regulations. More recently, however, with the passage of the 1985 amendments to the *Police Act*, the Regulations have been the subject of major revision, the regulation-making power having also been expanded by the 1985 amendments to Section 37. While the bulk of these new Regulations still concerns matters of discipline and the handling of public complaints (especially the procedures for the new Police Review Board), a number of other significant matters have now been addressed, including: authorization for boards of police commissioners to make rules and regulations for their forces, and a requirement that these be approved by the Nova Scotia Police Commission prior to promulgation; restrictions and training requirements with respect to the use of firearms and mace by police officers; minimum standards with respect to police ranks, insignia, service badges and clothing; and minimum recruitment and training requirements for municipal police officers. Together, these new Regulations represent a much more substantial exercise of the Governor in Council's power to influence the standards and quality of policing in the province.

As might be expected, the Attorney General's Department and the Nova Scotia Police Commission played a major role in the drafting of these new Regulations. Drafting was accomplished in consultation with a ten-member committee on which many of the major groups having a special interest in policing were represented, although the Nova Scotia Civil Liberties Association and groups representing minority populations in the province were not represented. With this kind of input, and given the necessary resources to encourage and monitor compliance with them, the new Regulations could be expected to exert a substantial and beneficial influence on the quality of policing in the province. In the absence of such resources, however, they will remain little more than well-intentioned aspirations.

2.2 The Nova Scotia Police Commission

The idea of a provincial Police Commission, with responsibility for monitoring, advising, assisting, coordinating and to some extent supervising policing services within the province, originated in Canada with the creation of the Ontario Police Commission in 1962. Quebec followed suit in 1968, and Nova Scotia was the next province to take up the idea, enacting legislation to create a provincial Police Commission in 1969. Manitoba and Alberta followed in 1971, and New Brunswick introduced legislation to create a provincial Police Commission in 1973. In 1974, both British Columbia and Saskatchewan followed suit, as did Prince Edward Island in 1977.

Passing such legislation was one thing; implementing it turned out to be quite another. Alberta's Police Commission was in existence for only two years before it was abolished in 1973. Four years elapsed in New Brunswick between the time legislation authorizing the creation of a provincial Police Commission was enacted and the time such a body was actually established. The provisions of the Prince Edward Island legislation providing for such a Commission have never been implemented. In Nova Scotia, seven years elapsed between the time legislation providing for such a commission was first enacted in 1969,[31] and the time it was actually established in 1976.

The *Police Act* of 1974 was the product of a protracted process of negotiation and debate. An earlier version of a new *Police Act* had been introduced during the Spring Session of the 1973 Legislative Assembly, but was never passed. It was referred to a Special Committee of the Legislative Assembly, which held extensive public hearings and consultations, as a result of which the proposed legislation was re-drafted and the Bill which was to become the *Police Act* of 1974 was introduced in June of that year. Much of the discussion about the new features introduced by this legislation, however, took place during the debates on the earlier Bill in 1973. One of those new features, of course, was the creation of the Nova Scotia Police Commission.

We do not need to rehash here all the arguments which have been advanced in support of the creation of such commissions. It is sufficient to point out, however, that the circumstances which were perceived to give rise to the need for a provincial Police Commission were somewhat different in each of the provinces which established one. In introducing the 1973 Bill in Nova Scotia, the then Attorney General, Mr. Leonard Pace, explained the need for such a commission in the following way:

"...I think that the main reason, of course, of having a Police Commission with some powers and duties - responsibilities, is the fact that the present situation in the province is that there [are]

31. See Part I of the *Police Services Act*, S.N.S., 1969, c. 17.

really no standards which a policeman must attain before receiving the appointment of a policeman." (Nova Scotia House of Assembly Debates and Proceedings, 1973, p. 1769)

Mr. Pace went on to refer to "the need and necessity for upgrading and some standardization of municipal police forces" (*ibid.*). In responding to Mr. Pace's opening remarks, Mr. Harry How, who was later himself to become the Attorney General of Nova Scotia, remarked: "I have the feeling that maybe in this province, we're at a crossroads so far as the policing of this province is concerned." Clearly, the establishment of the Nova Scotia Police Commission was looked upon by legislators at the time as an important step towards the improvement of policing services in the province, and was the subject of substantial expectations.

On introducing the 1974 Bill, which eventually became the *Police Act*, the then Attorney General said of the proposed new Commission:

"...I would like to point out that it is the intent of the Government to get the very best people possible for the Nova Scotia Police Commission and people who are experienced in law enforcement or who have extensive experience with the law in one way or the other. We have to create, in my opinion, a good balance of highly qualified and sensible people." (*ibid.*, 1974, p. 335)

In commenting on the Bill, the opposition spokesman urged the Government to ensure that at least one of the three members of the proposed commission would be "a lay person, a person who is neither connected with police work nor with the legal profession so that you bring to the Commission....the kind of perspective which the general public might have on these matters". Responding to this request, the Attorney General said:

"I have no hesitation in saying that I would be fully in favour of appointing someone of this nature to the Commission, but the main criteria for appointment is [sic] *ability, quality, common sense and an understanding and an appreciation of the general problems that relate to law and order."* (*ibid.*, p. 379)

When the Commission was in fact established in 1976, its first Chairman, who served in that office for ten years, was a retired Vice-Admiral with 35 years of service in the Canadian navy who, immediately prior to his appointment to the Commission, had held a position as Assistant Deputy Minister in the Department of National Defense in Ottawa. As Chairman, he was the only full time member

of the Commission. His successor, who had served as a part time member of the Commission for four years before being appointed as Acting Chairman, is a practising lawyer. He occupies the position of Chairman on a part time basis.

Six other people (all men) have served as part time members of the Commission since its inception, most of them serving four year terms, although two served for two years only. Three of these six have been lawyers, one a businessman and mayor of the Town of Antigonish, one an insurance executive, and one an ordained minister.

Since 1978, the Commission has typically held between six and nine formal meetings each year.

The Commission was originally given a staff of four professionals and one secretary. In 1978, a second secretary was added. The senior professional staff member served as Executive Director of the Commission, and for the first six years it was the practice to second serving police officers, at the Inspector rank, to fill this position for two year terms. Two officers from the Halifax Police Department, and one from the Dartmouth Police Department, occupied this position between 1976 and 1982. Since 1982, the position has remained vacant.

Three retired police officers (one from the Halifax MPD, one from the Sydney MPD and one from the RCMP) were appointed in 1977 to fill the other three professional positions. Two of these are still with the Commission. The third retired in 1987, and has been replaced by a former Fredericton police officer who has also served as the Assistant Director at the Atlantic Police Academy and as an instructor with the Correctional Services Division of the Nova Scotia Attorney General's Department.

Each of these three professional officers has been given responsibility for a particular aspect of the Commission's work. One is in charge of Personnel Development, which largely involves administering the Commission's involvement in coordinating police training in the Province. Another is responsible for Research and Statistics, and the third is responsible for the administration of the *Private Investigators and Private Guards Act*. In addition, each of these officers (who hold the title Director), together with the Executive Director when there was one, was assigned a region of the province in which he was responsible for acting as an advisor to the municipal police forces and governing authorities in that region.

Since 1982, the Director, Police Research and Statistics has been acting as Executive Director of the Commission and the three Directors between them have in effect been doing the work which was previously assigned to four professionals. There appears to be a general consensus at the Commission that this is an undesirable state

of affairs, and both the staff and the Chairman of the Commission whom we interviewed described the Commission as chronically understaffed. They pointed out that the Commission staff is now smaller than it was ten years ago, despite the obvious increases in the amount of work which it is supposed to be doing. By way of example, they cited the more than 300 percent growth in the sectors of the private security industry which the Commission is required to regulate. In 1977, the Commission reported that there were 29 private security companies operating in the province, and that approximately 600 individuals had been licensed by the Commission to work in this industry. By 1986, it reported that there were 51 companies, and that "in excess of 1,850 individual private investigator and private guard licenses were issued." By comparison, the number of municipal police officers employed in the province increased by only just over four percent (from 693 to 723) during the same period.

The result of this relative shortage of staff resources, of course, is that the Commission has been forced in recent years to be highly selective as to which aspects of its mandate will receive the most attention. This is a situation which has been compounded since 1986 by virtue of the fact that the Chairman of the Commission has been serving in an Acting, part time capacity only, and is consequently able to devote far less time to Commission business than was his predecessor who served full time. The current Chairman, who is a partner in a busy law practice, is able to spend only a few hours a month in the Commission's offices.

Before discussing what role the Commission has played in practice in monitoring and assisting policing services in the province, we shall briefly consider its legal mandate.

2.2.1 The legislated mandate of the Commission

The primary legal mandate of the Commission is set out in Section 7 of the *Police Act* (see Appendix 8). Important alterations to this mandate have recently been effected with the proclamation of the 1985 amendments to the *Police Act*. The most important symbolic change in this regard has been the removal of the Commission's appellate jurisdiction with respect to complaints against, and internal discipline of, municipal police officers. These functions have now been given to the newly established Police Review Board. The Commission, however, will still be responsible for providing investigative support services to the Review Board, and the Chairman of the Commission is the Registrar of the Board. So the creation of the Board may still leave the Commission with a substantial investigative and administrative workload with respect to

the handling of complaints and police internal disciplinary matters. In fact, with the establishment of these new mechanisms for dealing with such matters, it is possible that the workload of the Commission will substantially increase since, as Appendix 8 makes clear, the involvement of the Commission in such matters up to now has been quite minimal.

As will readily be seen from a perusal of Section 7 of the Act, the mandate of the Commission with respect to policing services within the province is broadly drawn, allowing it great latitude in the use of its limited resources. What characterized the early mandate of the Commission, however, was its assistive rather than directive tone. Words like "consult", "liaise", "advise", "assist", "cooperate" and "recommend" abounded in the 1974 version of Section 7. Only the Commission's appellate jurisdiction with respect to public complaints and internal disciplinary matters carried more decisive connotations.

This assistive tone of the legislation which, as we shall see, had a major influence over the Commission's interpretation of its mandate during its first ten years, was also reflected in the provisions of Section 9 of the Act. Although the Commission was given very wide powers of investigation and inquiry by this section, these powers were to be exercised only on direction by the Attorney General or on request of the municipality concerned. This section gave no authority to the Commission to undertake such investigations or inquiries on its own motion, although Section 5 authorized (and still authorizes) the Commission to hold hearings relating to the exercise of its powers and the discharge of its duties and functions, and gave it the extensive powers of a commissioner under the *Public Inquiries Act* for this purpose. Any reports which the Commission produces as a result of its exercise of these various powers of investigation and inquiry are advisory only.

The 1985 amendments to the *Police Act* have introduced some potentially important changes in the tone of the Commission's legal mandate in this regard. Most critical of these are the addition, within Section 7, of authority to "determine, through a system of assessments, evaluations and inspections, the adequacy, efficiency and effectiveness of police services provided in a municipality", and the insertion, within Section 9, of a right in the Commission to conduct investigations and inquiries "on its own motion with the concurrence of the Attorney General", as well as on direction from the Attorney General and on request of a municipality.

Section 8 of the Act authorized the Commission to promulgate regulations on various matters connected with its functions. This authority was repealed by the 1985 amendments, however, and the substance of the regulation-making power was transferred to the Governor in Council under Section 37 of the Act.

Various other provisions of the Act require the approval of the Commission to be obtained before significant decisions concerning police services are implemented by local police governing authorities (see Section 2 of Appendix 8). In addition, Sections 34 and 35 of the Act provided the legal authority through which the Attorney General could delegate to the Commission the authority to make and supervise special constable and by-law enforcement appointments within the province.

Finally, Sections 8 and 11 of the *Police Services Act* of 1969 give the Commission a role in the appointment and supervision of civil constables (somewhat akin to bailiffs in other jurisdictions) in the province, and the *Private Investigators and Private Guards Act* of 1972 gives the Commission the full responsibility for the licensing and regulation of certain contract private security agencies and personnel.

More recently, the new Regulations introduced pursuant to the 1985 amendments to the *Police Act* have assigned specific responsibility to the Commission with respect to the use of firearms and aerosol sprays by police forces, clothing standards for police officers, and minimum police recruitment and training standards. They also require rules and regulations made by municipal Boards of Police Commissioners to be approved by the Commission "in the interests of uniformity".

Overall, it can be said that the 1985 amendments to the *Police Act* and the new Regulations envisage a substantially more interventionist role for the Commission in supervising policing services in the province than had been the case before.

Section 5 of the *Police Act* provides that additional functions and duties may be assigned to the Commission by the Governor in Council or the Attorney General. As far as we have been able to determine, however, no such additional functions or duties have ever been assigned to the Commission.

2.2.2 The exercise of the Commission's mandate in practice

Any organization is constrained in what it can accomplish by the level of resources which are at its disposal. We have already considered the staffing of the Commission. An examination of its budget in recent years reveals that it rose from $284,998 in 1985-86 to $310,100 in 1987-88 (approximately nine percent).[32] In 1987, the Commission recovered almost $66,000 in the form of license fees paid by private security agencies and operatives.

The Estimates for 1988-89 indicate a budget for the Commission in that year of $800,000; this figure, however, includes one item ($377,300, which is the Province's contribution towards the running

32. Note that the figure for 1985/86 is actual expenditures, while the figure for 1987/88 is forecast expenditures. Estimated, forecast and actual expenditures often differ for a given year.

of the Atlantic Police Academy) which was in previous years in the Attorney General's budget, so does not really represent additional funds for the Commission, and another ($112,000 for the new Police Review Board) which relates solely to additional activities of a new agency which has not previously been within the Commission's budget. If these two new items are discounted, (leaving a total of $310,700) it becomes clear that the Commission will not be receiving any significant increase in the funds available to it in 1988-89, with which to undertake the activities which it has assumed during recent years.[33] In fact, given cost increases (including salary increases), the Commission will have relatively less funds available to it for these purposes in 1988-89 than it had in 1987-88. Furthermore, a recent communication from counsel for the Attorney General's Department to the Research Director of this Royal Commission indicates that in 1988/89 the Police Commission will have less resources with which to undertake those responsibilities it has been undertaking up to now. In that communication, the author indicates that "[A]long with the additional two staff positions [allocated for the Police Review Board in 1988/89], the Commission will reallocate duties of current staff to assist with the additional workload created by the establishment of the Police Review Board" (Pink to Briggs, 05/07/88, p.4). Clearly, the Commission's pleas for additional resources are not being received sympathetically by the Government.

Quite apart from the resources available to it, however, the Commission's performance of its mandate has clearly been shaped by the vision of its role held by its successive Chairmen, and by those in the Attorney General's Department to whom they have felt themselves to be accountable. Three particular aspects of this vision are of importance in this connection. The first concerns the role of the Commission vis-à-vis the RCMP. Senior officials in the Attorney General's Department have consistently held the view that the RCMP, even in its capacity as a provincial police service, does not fall within the mandate of the Commission. This is a view which was shared by the first Chairman of the Commission, who told one of the authors of this report in 1979 that while the Commission's policy was to maintain liaison with the RCMP, it did not have formal jurisdiction over the Force in any capacity. This view is evidently shared by the present Acting Chairman of the Commission. Also in 1979, the then Director (Criminal) in the Attorney General's Department indicated to one of the authors that this exclusion of the RCMP from the Commission's jurisdiction had been intentional; the Commission's emphasis was to be on municipal police forces.

While there appears to be nothing in the *Police Act* of Nova Scotia which requires this exclusion of the RCMP from the purview of the

33. Note that when these two new items are discounted, the estimated expenditures for the Commission for 1988/89 ($310,700) are less than the estimated expenditures for the Commission in 1987/88 ($339,700), although they are slightly greater than the forecast expenditures for 1987/88 ($310,100).

Commission's mandate, there seems little doubt that the policy which has been adopted in this regard reflects to a large extent the view which senior officials in the Attorney General's Department have taken of the constitutional difficulties which face any province which would seek to assert any substantial supervisory jurisdiction over the federal police force, even when it is providing policing services under contract to the province. As we have noted above, extant case law, including cases decided by the Supreme Court of Canada, provide some explanation for such a view (see Appendix 6). The effect of this exclusion from the Commission's mandate, however, and the "kid glove" approach to the RCMP which it has encouraged the Commission to adopt, has been that the Commission has not been particularly well placed to take a "global" view of municipal policing, and of municipal policing policy, in the province. One obvious example of this is the fact that the Commission apparently has no systematic knowledge about public complaints against RCMP officers, or the quality of RCMP policing services, even with respect to those jurisdictions in which the RCMP is providing municipal rather than provincial policing services.

Another important aspect of the official vision of the Commission's role has already been alluded to above - namely the view of the Deputy Attorney General who held that office throughout the Commission's early history and until the end of 1987 that the Commission was not intended to perform a significant role in generating, or giving the Department advice on, policing policy for the province. While this view does not appear to have been fully shared either by the Director (Criminal) in the Department or by the first Chairman of the Commission or his successor, it seems highly likely that a view such as this held by the senior official in the Department through which the Commission is accountable would have affected the Government's attitude towards the work and needs of the Commission over the years, which in turn would have affected the Commission's own attitude towards its role and priorities.

The third aspect of the official view of the Commission's role which needs to be noted, is the position consistently taken by its first Chairman, and apparently generally shared by officials of the Attorney General's Department, that the Commission should seek to fulfill its mandate only through persuasion and cooperation and not through unilateral exercise of the powers vested in it by the *Police Act*. This attitude of leadership through gentle persuasion and diplomacy reflected very much the personal qualities of the first Chairman of the Commission who exerted such great influence over its endeavours during its formative years. It also reflected the official view within the Attorney General's Department to the effect that municipal policing was first and foremost the responsibility of

municipalities, and that the provincial role with respect to it should be limited mainly to assistance and encouragement rather than heavy-handed intervention. To some extent it may also have reflected the realities of provincial-municipal political relations, in the light of which a more aggressive approach by the Province in securing uniformity and up-grading of municipal policing services may have seemed politically unfeasible. Finally, it may have reflected the relatively low level of financial assistance provided to municipalities by the Province in fulfilling their responsibilities for policing (as to which, see below), and the limited incentives which this left for municipalities willingly to accept substantial provincial direction or intervention with respect to this area of their civic responsibilities. There seems to be no doubt, however, that this preference for gentle persuasion and encouragement rather than more aggressive intervention has been a major factor in shaping the Commission's approach toward the fulfillment of its mandate. It may also partly explain the apparent unwillingness of the Government to approve any substantial increases in the resources available to the Commission for this purpose.

In Appendix 8 we have summarized some of the Commission's main activities during the years 1976 to 1986. The sources for this information were the Commission's Annual Reports and interviews with the Chairman and professional staff members of the Commission.

It should be mentioned that the Annual Reports of the Commission have not proved to be an ideal source of accurate information about the Commission's activities. We encountered a number of difficulties in our attempts to extract such information from these reports. Double reporting (whereby the same facts or events are repeated in consecutive annual reports) and cumulative reporting (whereby the Commission reports the total number of cases which it has dealt with since its creation, rather than reporting the number of cases dealt with during the year being reported on) both give rise to a somewhat inflated impression of the Commission's activities in any one year, as does the Commission's practice of reporting basically the same activities in three different formats (Chairman's "Highlights", specific accounts of particular activities, and statistical tables) in the same report. Additional difficulties in deriving a picture of the Commission's progress over the years arises from the unevenness with which some categories of information have been reported from year to year (information of some activities being reported in some years, but not - or in a different, incompatible format - in others).

In recent years, however, the Commission's Annual Reports have become somewhat more informative, and with an established format although it is not an especially desirable one. Much of the reports

now involve *pro forma* repetition of the same material each year, which may have the benefit of resulting in a physically more substantial document, but does little to increase the amount of information about the Commission which is available to the public. A more succinct report which avoids unnecessary repetition and concentrates on a clear presentation of the activities of the Commission during the year being reported on would undoubtedly serve better as a vehicle for the effective public accountability of this agency.

For convenience, we shall review the Commission's exercise of its mandate in practice, in terms of the broad description of that mandate provided by the lettered paragraphs of Section 7 of the *Police Act:*

(a) *liaison etc. with other provincial police commissions*

As one of the "elder statesmen" of provincial police commissions in Canada, Vice-Admiral Harry Porter, the first Chairman of the Nova Scotia Police Commission, was an influential and well-respected figure within the Canadian police community. He was insistent that provincial police commissions should learn from each other's successes and failures, and was a keen advocate of the annual meetings which the Canadian provincial police commissions now hold to share their experiences and discuss matters of mutual interest. The Nova Scotia Police Commission hosted one of these meetings in 1979. It is routinely represented at them when they are held in other provinces. Other opportunities for contact with representatives from other provincial police commissions arise from the Commission's representation on the advisory councils of the Atlantic Police Academy in Charlottetown and the Canadian Police College in Ottawa.

Files to which we have been given access indicate that in the late 1970s the Commission collaborated quite extensively with its counterpart in New Brunswick, with a view to developing a common position with respect to municipal police training in the two provinces and the role of the Atlantic Police Academy in providing same. The "Municipal Police Training Plan for Nova Scotia", developed by the Commission in 1978 (and discussed later in this section), provided the basis for these discussions.

As the regulatory agency with responsibility for contract private security agencies and their personnel in the province, the Commission has also maintained liaison with its counterparts in other provinces. In 1979, these regulatory bodies began meeting annually to share their experiences and problems and to promote a coordinated approach toward the regulation of this industry. The Nova Scotia Police Commission hosted the second of such annual

meetings in 1980 and is routinely represented at such gatherings.

(b) *information, statistics and research*

It is noteworthy that this aspect of the Commission's mandate has received barely a mention in its Annual Reports; it is a rather undeveloped function of the Commission. There appear to be two major reasons for this. The first is that the demands on the time of the professional staff which arise from other functions of the Commission which are viewed as priorities (such as visiting municipal police departments, conducting assessments, investigations, etc.) have left little time for the development of research and statistical support. The fact that the Director responsible for this area has in recent years also had to perform the duties of the Executive Director of the Commission in addition to his regular responsibilities as Director of Police Research and Statistics has merely compounded this problem. The second reason has been the lack of financial and technical resources for the adequate development of this function. We were told that the Commission does not have access to computers - which are regarded as indispensible to an effective modern information and statistical service - although it has sought it unsuccessfully for some time. Nor does the Commission have any substantial funds with which it can commission research, either from academics or from private consultants, relevant to its areas of interest.

The Commission does collect and distribute some statistics relevant to its mandate. In 1978, it established a Central Information and Statistics Service (CISS), but the information available through this service seems to have been limited to some fairly basic demographic and budget data for municipal police forces, as well as data concerning complaints against the police and their disposition and internal disciplinary matters. In 1982, local crime statistics, as reported by municipal police forces, were added to this data bank. In establishing the CISS, the Commission has been financially assisted by the federal Solicitor General's Ministry.

At present this function of the Commission is carried out in a relatively crude fashion, with little sophistication. There is no doubt that with better resources and expertise (the Director of Police Research and Statistics does not have a background of formal training in research, statistics or information systems), this function could be greatly enhanced to the benefit of policing in the province.

The need to upgrade the research and statistics side of the Commission's work is recognized by the Chairman of the Commission who, in interview with us, stressed this as one of the Commission's top priorities for the immediate future. In order to

achieve this, however, the Commission would need to be able to free up a position and dedicate it more or less exclusively to this aspect of the Commission's mandate. In this connection, it should be noted that additional training requirements for the person who is currently responsible for this function within the Commission would be quite modest and would represent an investment from which the police community in Nova Scotia would greatly benefit.

(c) *and* (d) *advice to chiefs and boards of police commissioners*

In their capacity as regional advisors, the three Directors, and formerly the Executive Director, have made it their business to maintain as regular contact as possible with the municipal police forces and their governing authorities in their regions. In addition, Commission members themselves have occasionally been involved in such meetings. As the Annual Reports of the Commission make clear, however, the limited resources of the Commission, as well as the demands of other functions (especially investigations and inquiries under Section 9 of the Act), have at times made it very difficult for the Commission and its staff to maintain the level of contact with chiefs and municipal police governing authorities which would have been thought desirable (see the comments to this effect on p.1 of the 1983 Annual Report).

In our survey of municipal police departments, we asked municipal police chiefs to describe briefly the extent of their contacts with the Commission over the last three years. Most of the 25 chiefs who responded had very little to say on this subject, but overall they seemed to be content with the level and substance of the interaction which they had with the Commission. Two chiefs expressed dissatisfaction, one commenting that in his view the Commission does not have a clearly defined mandate, and the other commenting that:

"...the Nova Scotia Police Commission, prior to becoming part of the new Solicitor General's Department, was very limited in its scope, had little contact with Municipal Departments and in my opinion did little to enhance our profession. It appeared to be poorly funded and understaffed."

We also interviewed the chairmen of ten municipal Boards of Police Commissioners on a number of topics, including their perceptions of the Commission. One of the ten did not really answer our questions about the Commission. Of the other nine, five indicated that the contacts which their Boards had with the Commission were infrequent (once or twice a year) but useful and

satisfactory. One chairman indicated that his Board's contact with the Commission had been very infrequent, while the other three said that their Boards had had virtually no contact. Each of these last three told us that they knew virtually nothing about the Commission or what it does.

When asked whether they thought the role of the Commission vis-à-vis municipal police forces and boards could usefully be expanded in any way, one of the ten chairmen indicated that he was firmly opposed to any expansion of the Commission's role. Another said that he could not think of anything that the Commission ought to be doing that it is not. Five chairmen suggested ways in which the Commission's role could usefully be expanded, although one of these said that he would be opposed to any major expansion in the Commission's role. The remaining three respondents did not express opinions on this question.

The following were suggested as ways in which the Commission might usefully become more involved in municipal policing:

- *more assistance to boards in contract negotiations*
- *a more aggressive involvement in implementing minimum training standards*
- *Commission should do mandatory annual assessments/evaluations of municipal police departments*
- *Commission should hold an annual seminar for board chairmen and chiefs of police*
- *Commission should do more research and distribute findings to municipal police forces and boards*
- *Commission should have much more frequent, regular and "structured" contact with boards (perhaps boards should even formally report to the Commission to provide greater opportunity to achieve uniformity of standards throughout the Province).*

Two of the board chairmen expressed the opinion that the Commission appeared to them to be underfunded and understaffed for the satisfactory performance of its mandate. One of them commented that the Commission "has documented the recognized weaknesses of municipal policing but because of money or political will has failed to act on them."

The perception of those board chairmen whom we interviewed appeared to be that the major way in which the Commission assists municipal police departments is through the advice and assistance its representatives give in the recruitment, hiring and promotion of police officers. (Section 7 of Appendix 8 shows the extent to which the Commission provided these kinds of services between 1976 and 1986.)

One of the more important ways in which the Commission keeps in touch with the police community is through its regular attendance at meetings of the Nova Scotia Association of Chiefs of Police. The Commission also attempts to meet fairly regularly with the two bodies which represent line officers (the Police Association of Nova Scotia and the Canadian Union of Public Employees).

In 1978, the Commission reported that it was working with chiefs of police, police unions and Boards of Police Commissioners to standardize police uniforms, ranks and equipment. Draft standards were submitted to the Commission by the Nova Scotia Association of Chiefs of Police in 1979 for review. This initiative, however, does not appear to have borne fruit until quite recently. As we have noted above, the new Regulations under the *Police Act* now cover many of these matters.

In 1979, the Commission participated in a project to standardize police report forms, filing systems and records. No further mention of this project is made in subsequent reports, however, and we are not aware of what, if anything, came of it.

In the same year, the Commission reported that it had "developed a promotional routine in consultation with the police community" and that it expected that this routine would be promulgated to municipal police departments as a guideline in the following year. In interviews with Commission staff, however, we were told that such a promotional routine was never formally promulgated.

In 1982, the Commission was instrumental in the introduction of long-service medals for municipal police officers.

In 1985, the Commission promulgated model recruiting and selection procedures for municipal police officers. (These are discussed further in Part 6.)

With respect to members of boards of police commissioners, the Commission took an important initiative in 1981 in producing a small publication entitled "Guidelines for Police Governing Authorities", which contained advice and guidance for newly appointed/elected members of boards.

(da) *assessments, evaluations and inspections of municipal police forces*

This paragraph of Section 7 was added by the 1985 amendments to the *Police Act*, and has only recently been proclaimed in force. Since its inception, however, the Commission has been willing to undertake assessments of municipal police departments on the request of police governing authorities. As Section 6 of Appendix 8 indicates, by the end of 1986 the Commission had carried out assessments of 15 of the 26 municipal police departments in the

province. These assessments are substantial and time-consuming, even though the Commission's staff has now developed a fairly standard routine in undertaking them. The reports of these assessments are treated as confidential reports to the governing authorities which requested them. The Commission kindly obtained the consent of four of the governing authorities whose forces had been assessed during the late 1970s and early 1980s to allow us to inspect the relevant reports. As one might expect given the differing sizes of municipal police forces in Nova Scotia, these reports varied considerably in length and complexity, the longest being 80 pages and the shortest being 19. It is clear from the reports that the Commission's staff has identified some problems which are common to those forces being assessed, as a result of which some of the reports bear a striking resemblance to each other in both format and content. The most obvious example of this is the section found at the beginning of each of the reports in which the assessors seek to clarify the principles which should govern the relationship between a Board of Police Commissioners and its chief of police. It is clear from this that the assessment process has been regarded to some extent by the Commission staff as another vehicle for educating and advising boards, chiefs and municipal councils about the standards which should prevail in the governance and accountability of municipal police forces. Most board chairmen to whom we spoke, and whose forces had been assessed by the Commission, had positive things to say about the quality and usefulness of these assessments although, as we noted above, one chairman expressed the view that assessments should be mandatory and regular for every force rather than purely on request as at present. The addition of paragraph (da) of Section 7 of the Act lays the legislative groundwork for such a change to take place, but it was made clear to us by Commission staff that any such change would require substantial increases in the Commission's staff to be adequately implemented. Such additional resources do not at present appear likely.

In addition to these assessments, the Commission undertook, between 1979 and 1985, eight other studies of police departments and municipal policing needs, one of which involved a major study of the feasibility of establishing a regional police force in the Cape Breton area. (These initiatives are listed in Section 6 of Appendix 8.)

(e) *visits to police forces*

See (c) and (d), above. There does not appear to be any "system" of visits as such.

(f) *coordination of work and efforts of police forces*

See (b), above. In its first Annual Report (for 1976), the Commission reported that "a plan to develop field investigation services in the six municipal police forces with ten or more members who do not have such a service at present is under discussion." The objective, wrote the Commission, was to have this service set up and trained officers in place by 1979. No further mention of this initiative was made in subsequent Commission reports, however, and we are not aware if anything came of the plan.

In 1978, with financial and technical assistance from the federal Solicitor General's Ministry, the Commission helped form a provincial Crime Prevention Committee with a mandate to promote and coordinate crime prevention initiatives. In 1982 this Committee was restructured, having fallen into decline in the meantime. In 1985, it was reconstituted as "Nova Scotians for the Prevention of Crime", an organization which was described by the Commission at the time as "more citizen than police oriented", and which was not formally sponsored by the Commission or the Attorney General's Department as the former Committee had been. This organization still exists and the Commission provides space for its meetings and a limited amount of administrative and clerical assistance.

In 1979 and 1980, the Commission assisted a number of municipal police departments in obtaining funds (from the federal Solicitor General's Ministry) for short-term crime prevention programs, and cooperated with that Ministry in the promotion of two crime prevention programs throughout the province ("Operation Provident" and the "Counterpunch Kit").

In 1985, the Commission was peripherally involved in a project to develop a common electronic data processing facility for the Halifax, Dartmouth and Bedford Police Departments.

(g) *[pre-1988] appeals re complaints and discipline*

As Section 9 of Appendix 8 shows, information supplied to us by the Commission indicates that it has only ever formally heard and disposed of four appeals by municipal police officers against discipline imposed on them. It has apparently never heard and disposed of a public complaint against a municipal police officer by way of appeal (although public complaints have been the subject of public inquiries by the Commission, as to which see below). The last formal appeal which the Commission dealt with was in 1987. During the last six years its appellate jurisdiction has apparently only been exercised twice.

Staff of the Commission have, however, undertaken investigations into public complaints and disciplinary matters, but we were unable to gain a clear grasp of what level of activity was involved in this

work beyond the assertion of one staff member that such investigations can be very time-consuming.

Given this rather meagre record of involvement in complaint and disciplinary appeals, it is somewhat difficult to predict what impact the new Police Review Board might have. Our interviews suggest that there is some perception among line officers (as reflected particularly in the views of the Police Association of Nova Scotia) that the Commission has been too "management-oriented" to be able to act impartially as an appellate body with respect to the disciplinary decisions of chiefs of police. The fact that all of the Commission's professional staff have been seconded or retired middle-management police personnel is particularly cited in this regard. There is a possibility too that those who lay complaints against the police may view the Commission as too closely involved with the police to be able to bring an impartial mind to bear on an appeal with respect to such complaints. As studies of other provincial police commissions show, these kinds of concerns over the compatibility of their adjudicative functions with their other functions are by no means new or unique to the Nova Scotia Police Commission (see Stenning, 1981: p. II.78ff).

If any of these attitudes have any substance, either as perceptions or in reality, it is of course possible that the creation of a new, independent Police Review Board to exercise the appellate/review function formerly assigned to the Commission might result in a greater resort to this mechanism for handling complaints and disciplinary matters. The fact that the Review Board is to be so closely associated with the Commission (its budget is part of the Commission's budget, the Chairman of the Commission is its Registrar, and the new Investigative Branch of the Commission will do investigations for it) may turn out to defeat the very object of creating this new body. It might be expected too that the calibre of persons appointed to the new Review Board, and the manner in which it conducts and presents itself in its early years, will be critical in this regard. (We have more to say on the new Review Board and on the subject of complaints against the police, below.)

As of May 1, 1988, the Commission no longer has this appellate jurisdiction.

(ga) *[as amended in 1988] investigations and inquiries*

Although this item in the Commission's mandate was inserted in Section 7 of the Act in 1988, the Commission has had, since its inception, the authority to hold hearings, investigations and public inquiries, by virtue of Sections 5 and 9 of the Act. As Section 8 of Appendix 8 shows, the Commission's authority under Section 9 of

the Act to hold investigations and inquiries has been exercised on 11 separate occasions, between the years 1979 and 1985. Six of these resulted in full public inquiries being held (three at the direction of the Attorney General, and three at the request of the municipalities concerned).

In its 1983 Annual Report, the Commission expressed some concern at the extent to which these investigations and inquiries had stretched its resources and adversely affected its ability to fulfill other aspects of its mandate. All our information, from this jurisdiction and elsewhere, indicates that such activities consume inordinate time and resources and it seems clear to us (as well as to Commission staff members) that with the existing resources at the disposal of the Commission, it could not be expected to undertake such investigations and inquiries with any frequency without great impairment to its performance of its other important functions. If the Commission is to be resorted to frequently for this purpose, it will require substantially more resources than have been allocated to it in recent years.

(gb) *investigative and administrative support to Police Review Board*

(See (g)[pre-1988], and discussion of the Commission's 1988/89 budget, above.) The 1988/89 budget provides for one new full time professional position and one new clerical position for the performance of this function of the Commission. For reasons discussed above, it is not possible, at this stage, to predict whether this staffing will be adequate for the purpose. The intimation that we have been given by counsel for the Attorney General's Department (Pink to Briggs, 05/07/88, p.4) to the effect that "[A]long with the additional two staff positions, the Commission will reallocate duties of current staff to assist with the additional workload created by the establishment of the police review board", suggests that the Commission is already anticipating the possibility that the two new positions will not provide adequate staffing for this function.

(h) *development of municipal police training programs*

The development of municipal police training has been the main priority of the Commission ever since its inception in 1976 - a fact which perhaps reflects the publicly expressed reasons for its creation, discussed above. While the Commission can boast some important achievements in this area, the record shows very clearly that these efforts have been to a considerable extent frustrated by a lack of strong support from the Government.

As soon as it had professional staff in place to begin this work, in 1977, the Commission established a Working Group and an Advisory Council on police training, recruitment and selection. These groups worked for two years to complete a "Standard Municipal Police Training Plan" which, after wide consultation with interested parties throughout the province, was submitted to the Attorney General.

The history of this initiative, insofar as we have been able to reconstruct it from examination of relevant files from the Attorney General's Department (provided to us by the new Deputy Solicitor General), provides a good illustration of the apparently low priority which the work and recommendations of the Nova Scotia Police Commission have been accorded by the Government in recent years, and goes a long way to explaining what we perceived to be the current sense of demoralization within the Commission's staff.

The Municipal Police Training Plan contained recommendations in three key areas:

1. *that a program of mandatory minimum police training be implemented for all municipal police forces in the province;*

2. *that the Province, through grants, pay replacement costs for officers taking compulsory training courses, and that it pay all the costs of compulsory training at the Atlantic Police Academy; and*

3. *that the Atlantic Police Academy be moved from Holland College in Charlottetown to the campus of St. Mary's University in Halifax.*

The Plan ran into political difficulties almost immediately as a result of the recommendation to move the Atlantic Police Academy from Charlottetown to Halifax. A month after the Plan was finally submitted to the Attorney General by the Commission, the Council of Maritime Premiers decided that the Atlantic Police Academy should remain at Holland College under a renegotiated agreement. This decision was based on the recommendations of a report of the Maritime Premiers' Higher Education Commission on "Police and Law Enforcement Officer Training", submitted at about the same time as the NSPC's "Municipal Police Training Plan" which, while it found fault with certain aspects of the training provided by the Atlantic Police Academy, recommended that training for police officers in the Maritime Provinces continue to be given at the Academy at Holland College, under a negotiated agreement. A new agreement between the three Maritime Provinces and Holland College came into effect on April 1, 1980.

Although this decision of the Maritime Premiers constituted a rejection of one of the Municipal Police Training Plan's key

recommendations, the Plan was submitted to the Policy Board of Cabinet by the Attorney General for consideration in August 1979. Adoption of the entire plan was evidently rejected by the Policy Board at this time because of an unwillingness (not surprising in light of the decision of the Maritime Premiers three months earlier) to accept the Plan's recommendation to move the Atlantic Police Academy to Nova Scotia.[34]

In mid-1980, the Maritime Premiers made a decision to support the creation of an Atlantic Veterinary College and the suggestion arose that if such a college were to be located at Holland College, this might provide the "trade-off" which would be needed to persuade the Maritime Premiers to support the recommendation to move the Atlantic Police Academy to Halifax. This political strategy obviously did not find favour with the Attorney General for in September 1980 he resubmitted the Municipal Police Training Plan to the Policy Board, with the recommendation that all its recommendations except the recommendation to move the Atlantic Police Academy be adopted.

The response of the Policy Board was to recommend that the question of compulsory police training be referred to the Department of Municipal Affairs for consultation with the Union of Nova Scotia Municipalities.[35] It was also recommended that the Department of Municipal Affairs prepare a report on the possible implementation of such a scheme, including a detailed analysis of present and future costs[36], and an analysis of the impact, if any, on salary costs of municipal police departments and an assessment of municipal attitudes towards the proposals. Although the Policy Board did not set a deadline for this review, it was hoped that this might be considered before February of 1981.

All this was communicated to the Minister of Municipal Affairs by letter in November 1980. We have made requests for information about the response of the Minister of Municipal Affairs and his Department to this letter, but have been informed that "a thorough review of the files has not revealed a response to that letter" (from the Deputy Minister, Policy Board, to the Minister of Municipal Affairs) [Pink to Stenning, 19/9/88]. We have been unable to find any evidence that the request was ever acted upon.

In March of 1981, Judge Green submitted his important report on the *Police Act* and Regulations, in which he expressed strong support for the Municipal Police Training Plan, and urged its implementation (see p. 19 of his Report).

In May 1982, a report on the police training facilities and programs at the Atlantic Police Academy was submitted by Professor Alan Grant (Grant, 1982). The report's recommendations contained a ten-year blueprint for police training within the Maritime region.

34. The Maritime Municipal Training and Development Board had also opposed such a move, in a letter to Premier Buchanan, earlier in 1979.

35. This was a rather strange recommendation, since the UNSM had written to the Attorney General in September 1979 urging implementation of the Plan.

36. The original Plan, however, had included cost estimates for its implementation. These indicated that the total costs to the Province of implementing the Plan for 1980/81 (including the Provincial contribution towards the costs of the Atlantic Police Academy - $247,882) were estimated to be $390,000.

While Grant found significant shortcomings in the programs offered at the Atlantic Police Academy, he nevertheless concluded that a regional training facility such as that at Holland College was essential to provide quality police training, and that because of the relatively small numbers of police officers in each of the Maritime provinces, any attempt to establish separate facilities to serve the needs of individual provinces would not be viable (p. 45). Grant's recommendations for upgrading the services available through the Atlantic Police Academy appear to have been entirely consistent with those of Nova Scotia's "Municipal Police Training Plan". The question of the location of the Atlantic Police Academy, however, does not seem to have been within the terms of reference of Grant's study (pp. 1-2), and he made no specific recommendations on this issue.

The proposal to move the Atlantic Police Academy to St. Mary's University did not die, and in 1982 the Chairman of the Nova Scotia Police Commission had further discussions with University officials concerning possible implementation of this proposal. An "audio-visual briefing" was prepared for presentation to the Policy Board on the issue of whether the Holland College agreement should be renewed (with additional costs resulting from the recommendations of Professor Alan Grant's report) or the Nova Scotia Police Commission's proposal to move the Atlantic Police Academy to St. Mary's University should be adopted.

In March 1983, the Attorney General submitted a further memorandum to Policy Board requesting it to reconsider the Municipal Police Training Plan in light of Professor Grant's proposals concerning the Atlantic Police Academy before the Province took any position on Holland College's request to the Council of Maritime Premiers to implement Professor Grant's recommendations.

The following month, the situation was further complicated by a proposal put forward by the Halifax Police Board that a police training academy for Nova Scotia should be based at the Halifax Police Department's training facilities, rather than at St. Mary's University ("Chronicle-Herald", 31/5/83, p. 5). In August 1983, the Director of the Atlantic Institute of Criminology (based at Dalhousie University) wrote to the Deputy Attorney General indicating the Institute's interest in running a police training facility for Nova Scotia.

In May of 1983 the Attorney General's memorandum to the Policy Board was reviewed by the Board of Social Development, which recommended that the Executive Council "determine whether or not this is the time to discuss a change in the location of the Atlantic Police Academy" (memorandum from Board of Social Development

to Executive Council, MF1070, dated 3/5/83). The Executive Council considered this memorandum in November 1983 and recommended that this item be referred back to the Attorney General.

Another year passed and in September 1984, the Chairman of the Nova Scotia Police Commission wrote to the Attorney General reviewing the situation. In this letter, he estimated that the annual additional cost to the Province of implementing all of the recommendations of the Municipal Police Training Plan except the recommendation to move the Atlantic Police Academy would be just under $94,000. He urged that all the other recommendations of the Plan be treated as separate from the issue of the location of the Atlantic Police Academy and be implemented. The Attorney General passed this letter to the Director (Criminal) suggesting that another memorandum to Policy Board might be prepared along the lines suggested by the Chairman of the Nova Scotia Police Commission in his letter. A note on the file indicates, however, that the Director (Criminal) discussed this with the Attorney General in December 1984, but that "because of budget constraints" no action was to be taken.

Meanwhile, in the same month, the Executive Director of the Union of Nova Scotia Municipalities was writing to the Chairman of the Nova Scotia Police Commission expressing the Union's concern that the Municipal Police Training Advisory Committee had been inactive for a long time, and indicating the Union's willingness to continue ongoing dialogue with the Nova Scotia Police Commission on matters of police training.

In January of 1985 a further memorandum to the Policy Board was submitted by the Attorney General recommending the adoption of some of the major recommendations made by Professor Alan Grant in his 1982 report on the Atlantic Police Academy, on the understanding that these would be phased in over a five-year period. Estimated costs to the Province were: 1985/86 - nil; 1986/87 - less than $20,000; 1987/88 - $60,000; by 1989/90 - $94,000. We have not been able to discover what the response, if any, of Policy Board to this memorandum was. Early in February 1985, however, the Social Development Board suggested that the Nova Scotia Police Commission should make a presentation to Policy Board on the memorandum. But a memorandum on file from the Director (Criminal) to the Deputy Attorney General (dated 11/6/86) indicates that: "While there is nothing on file, I understand the presentation was partly completely [*sic*] and then adjourned and no further consideration has been given to it since." As is now known, however, a considerably scaled-down version of a mandatory minimum police training requirement has now been included in the new Regulations

proclaimed pursuant to the recent amendments to the *Police Act*.

We have detailed (as best we can, given the limitations of the documentation available to us) the history of this particular initiative of the Commission at some length because we think it well illustrates the problems which have existed with the police policy-making and implementation processes in Nova Scotia in recent years. Essentially, this history indicates that implementation of a major initiative to improve standards of police training in the province, which, apart from the proposal to move the Atlantic Police Academy, appears to have encountered no opposition from any significant quarter,[37] was delayed for ten years primarily because of political wrangling over the location of the principal training facility. While financial considerations also seem to have played a part in this delay (especially in 1984), it is difficult to see how such considerations, by themselves, could have justified such a delay. Given the obvious (and apparently undisputed) benefits of the Plan's proposals, other than the proposal to relocate the Atlantic Police Academy, the projected annual additional costs to the Province of implementing its proposals ($94,000) seem both modest and reasonable. Moreover, during this ten-year period (1978-1988), there appears to have been virtually no opportunity for significant public discussion (in the legislature or elsewhere) of these important proposals.

There appears to be no adequate explanation for the apparent "sand-bagging" of this important initiative by the Nova Scotia Police Commission or of the failure by the Minister of Municipal Affairs and his Department to carry the initiative forward as requested by the Executive Council back in November of 1980. We are left in no doubt, however, that the extent of Government inaction on this "flagship" initiative of the Commission has had a significantly demoralizing effect on the Commission over the years.

Despite these setbacks, the Commission appears to have maintained a strong commitment to the improvement of municipal police training over the years, although its ability to sustain this commitment at the level it would wish has been hampered by shortages of staff and technological resources. By way of example, the Commission staff told us of their desire to develop training profiles on all serving municipal police officers in the province so that the Commission could better assess progress, priorities and needs in this area. Without access to computers, however, such a project has rightly been judged not to be feasible. Perhaps because of this, considerable interest has been expressed in the anticipated results of our own research on this topic.

Commission members and staff have, over the years, been represented on the advisory councils of the Atlantic Police Academy and the Canadian Police College (Ottawa), and this representation

37. We should note, however, that in response to an earlier draft of our report, the current Director of the Atlantic Police Academy commented to us that in his view the "Municipal Police Training Plan" relied too heavily on materials developed in Ontario, and recommended inappropriate shortening of the cadet training course. He described the Plan as "badly flawed". Our distinct impression, however, is that most of those who have considered the Plan in detail do not share this view.

has undoubtedly provided the Commission with limited opportunities to exert a positive influence over the quality, cost and availability of training for municipal police officers in Nova Scotia. With respect to the Atlantic Police Academy, this influence has likely increased since 1986 when the Halifax Police Department (which accounts for 36 percent of serving municipal police officers in the province, and which, until 1986, trained its officers at its own training academy) decided to send its recruits to the Atlantic Police Academy for training rather than continue to rely exclusively on its own facilities.

The Commission, through its staff, coordinates and controls the utilization, by municipal police forces and other law enforcement bodies in Nova Scotia, of the training facilities at the Atlantic Police Academy and the Canadian Police College. We were unable to discern exactly what systems are in place in this regard for determining needs and assigning priorities in the event that the demand for places at either of these institutions exceeds their availability, but Commission staff did not seem to think that this presents any substantial difficulties in practice. Again, however, were the Commission to have a more sophisticated research and information management capability, it is possible that more efficient and effective use could be made of the resources of these two institutions, to the ultimate benefit of policing in Nova Scotia.

On an *ad hoc* basis, the Commission has been quite active over the years in arranging for particular courses to be put on cooperatively for municipal police officers in the province. Indeed, training and development is almost the only one of the Commission's functions which has involved a significant degree of integration and coordination by the Commission of municipal police and RCMP resources. Through the good offices of the Commission, municipal police officers are not infrequently able to participate in training sessions administered by the RCMP.

Although it does not strictly fall within this head of the Commission's mandate, it is perhaps also worth mentioning that in the early 1980s the Commission took some initiatives to upgrade the training of private security personnel in the province. In 1980 and 1981 it assisted in the development and implementation of a vocational training course for such personnel, and in 1983 it developed revised regulations covering the qualifications and training required for armed security guards in the province, and assisted in the development of a specialized program of training for such personnel.

(i) *development of police post-secondary education*

We have not been made aware of any particular initiatives which the Commission has taken in this regard, although in recent years the Commission has documented a growing number of municipal police officers taking university-level and community college courses. In 1982 the Commission was instrumental in introducing continuing education certificates to recognize the efforts of municipal police officers to improve their educational qualifications. In 1985 and 1986 the Commission reports having had meetings with staff of University College of Cape Breton and the Atlantic Institute of Criminology.

(j) *police/public and police/media relations*

The major initiatives which the Commission has taken in this area of its mandate have been the encouragement it has given to the maintenance of a provincial crime prevention organization (discussed under (f), above), support (with financial assistance from the federal Solicitor General's Ministry) of police promotional and educational activities during "Police Week" each year, and a financial contribution towards the purchase of a mobile crime prevention display van in one municipality. In 1977, the Commission produced and distributed a pamphlet explaining the procedures for lodging and pursuing a public complaint against the police. This aspect of the Commission's mandate appears to have had a fairly low priority in the deployment of its resources.

(k) *recommendations regarding law reform relevant to law enforcement*

As we noted earlier, the Commission has played the leading role in the drafting of the Regulations under the *Police Act*, both in 1976 and following the 1985 amendments to the Act. It has played the same role with respect to the Regulations under the *Private Investigators and Private Guards Act*. In 1976 and 1977, in consultation with municipalities, the Commission drafted a model by-law to establish a municipal board of police commissioners for adoption, with or without modification, by municipalities. Our review of the current by-laws in force on this topic makes it clear that the model by-law has been accepted with little modification by most of the 23 municipalities which have such boards, the major area of variation being in the composition and size of boards. (We discuss the role of these boards further below.)

In 1979, after a year's review, the Commission forwarded to the Attorney General proposals for reform of the provisions of the

Police Services Act dealing with provincial and municipal civil constables. These proposals were not acted upon by the Government.

We have been told that the Commission, especially its Chairman, played a major supportive role in the work of Chief Judge Nathan Green in his review of the *Police Act* during 1980 and 1981, and played some role in the drafting of his final report to the Attorney General. As we have noted above, however, we have experienced considerable difficulty locating and gaining access to files which would cast further light on the roles of the Commission and the Attorney General's Department in this regard. Apparently the Attorney General's Department submitted a brief to Judge Green (via the Director (Criminal)), but the NSPC did not. However, we have not obtained a copy of the Department's submission.

We experienced similar difficulties in learning what transpired between the submission of Judge Green's report and the adoption, four years later, of amendments to the *Police Act*, or what role the Commission played with respect to this law reform initiative.

Having reviewed the Commission's activities in terms of the enumeration of its mandate in Section 7 of the Act, we turn now to consider other aspects of its mandate which are not specified in that Section:

(i) *regulations*

It will be recalled that Section 8 of the Act, until it was repealed through the 1985 amendments, gave the Commission power to promulgate regulations with respect to various aspects of its mandate. The Commission never exercised this power.

(ii) *supervision of special constables and by-law enforcement officers*

In 1977 the Attorney General, pursuant to Section 34 of the Act, conferred authority on the Commission to supervise the appointment of special constables in the province and to regulate their activities. In the preceding year, the Commission had undertaken an analysis of the existing special constables in the province. By the end of 1986 the Commission was responsible for 471 persons who held such appointments. We have not been able to obtain a very clear idea of exactly what the Commission's supervision over these appointees entails, but our impression is that this does not involve a great deal of activity. Most of these appointments are accounted for by the Halifax-Dartmouth Bridge Commission, the Cape Breton Development Corporation and the RCMP Auxiliary.

In 1977 the Attorney General, pursuant to Section 35 of the Act, designated the Chairman of the Commission as his representative to approve appointments, by municipalities, of by-law enforcement officers. By the end of 1986, 97 persons held such appointments. Again, the extent of the Commission's supervision of these appointments appears to be quite minimal.

(iii) *regulation of private contract security agencies and personnel*

During the first ten years of the Commission's existence, the number of private security agencies which it licensed almost doubled (from 29 to 51), while the number of individual investigator and guard licenses it issued increased more than three-fold (from "approximately 600" to "in excess of 1850"). It should be noted that these last figures do not refer to the number of persons licensed, but the number of licenses issued. Under Nova Scotia's *Private Investigators and Private Guards Act*, Section 13, an individual license terminates automatically on the termination of employment. This means that whenever a guard or investigator changes employment, a new license has to be issued. It is well known that employee turnover in the contract security industry is typically very high (see Shearing, Farnell and Stenning, 1980).

The Commission relies on local police and the RCMP for background checks on license applicants and has insufficient resources to undertake substantial inquiries itself. In fact, the resources available to it, given the number of licensees it has to supervise, leave it little option but to adopt a fairly reactive, rather than proactive, approach towards this regulatory responsibility.

Nevertheless, the processing of all these licenses, and maintaining contact with licensed agencies, involves a substantial workload for the Commission's staff. As we noted above, the Commission has also been involved in promoting training and other forms of upgrading within the security industry. In 1978 the Commission cooperated with the industry in promoting the formation of an industry association and the establishment of a code of ethics and standards for the industry.

The Commission also reports investigating a small number of complaints (typically about a dozen) each year concerning the activities of licensees.

(iv) *supervision of civil constables*

At the end of 1986 there were 44 persons in the province who held appointments as Provincial Civil Constables. This was twice the number that held such appointments in 1978.

The Commission does not report the number of appointments of municipal civil constables which are made each year.

Between 1979 and 1982, the Commission reports having received three or four complaints a year against Provincial Civil Constables. Thereafter, with the exception of one complaint in 1986, no further reports of complaints appeared.

As we noted above, the Commission's proposals for reform of the law governing these appointments, which were submitted to the Government in 1979, have not been acted upon.

2.2.3 Conclusions

Our overall impression of the Nova Scotia Police Commission is of an organization which can boast having made some substantial accomplishments with very limited, and inadequate, resources. It appears to be an organization, however, which through no fault of its own, has recently gone into decline after enthusiastic and promising beginnings - an organization which is now struggling to keep its head above water.

We attribute this decline to two principal factors: inadequate resources and demoralization. The two, of course, are not unrelated. But the demoralization which we perceived in our interviews with those associated with the Commission seems to spring not just from the inadequacy they perceive in the resources allocated to their important work, but also from the apparent unresponsiveness of the Government to their efforts. The fact that none of the major initiatives which the Commission has proposed to upgrade policing services in the province (especially the "Standard Municipal Police Training Plan") appear to have been enthusiastically received and acted upon by Government, is obviously a major factor in accounting for this apparently low morale. The fact that the Commission has been relocated in Dartmouth, away from the Attorney General's Department, for reasons which do not seem to have any relationship to the needs of the agency itself, also seems to be interpreted by the Commission and its staff as a sign of the Government's lack of interest in the agency. This view is reinforced by the fact that the Commission no longer has either a full time Chairman or a full time Executive Director.

A very senior member of the Attorney General's Department recently expressed to us the opinion that the Commission "has been a virtual shell recently". While we would consider this an exaggerated view, given the substantial work in which the Commission and its staff are still engaged, it nevertheless makes clear that the Commission and its staff are not the only ones who view its current state as impoverished. As we noted earlier, some of the chairmen of

municipal Boards of Police Commissioners also expressed concerns to us about this.

While it is not, of course, for us to make judgments about the priority Government should be according to an agency such as the Commission in the overall scheme of things, it is perhaps important to stress what that priority appears to have been in recent years, given that this is the only agency within the Nova Scotia Government which has any credible potential for generating sound policy and planning for policing in the province. In this connection, it is worth noting that the budget for the Commission represented less than 0.5 percent of the Attorney General's Department's operating budget for the 1987-88 fiscal year.

In August 1986 the Acting Chairman of the Commission forwarded proposals to the Attorney General for reorganizing the Commission. These were not radical proposals. In fact, they merely recommended filling the vacant position of Executive Director of the Commission (a course of action which the Acting Chairman thought was absolutely essential in the absence of a full time Chairman of the Commission) and adding one secretary to the Commission's staff. The proposals anticipated the establishment of the new Police Review Board, and the support role which the Commission would acquire in this connection. In the 20 months following the submission of these proposals, there was apparently no substantial response to them from the Attorney General or officials in the Department. When we interviewed the Acting Chairman of the Commission at the end of March 1988, he indicated to us that he did not know where these proposals currently stood. They are now, of course, the responsibility of the new Solicitor General and that Department.

In her interview with us, the new Deputy Solicitor General indicated to us her view that the reorganization proposals which the Commission had put forward did not "go far enough" and that more radical changes with respect to the Government's fulfillment of its responsibilities for policing were in contemplation. In fact, as our discussion of the 1988/89 budget for the Commission (above) makes clear, whatever major changes are in contemplation are clearly not going to occur during the current fiscal year. This conclusion is confirmed by our examination of the 1988/89 budget of the new Solicitor General's Department as a whole, to which we now turn our attention.

2.3 The new Solicitor General and the Department

On November 24, 1987, the Premier of Nova Scotia, the Honourable John Buchanan, publicly announced the establishment of a new office of Solicitor General for the province, whose holder would head up a new Department of the Solicitor General. On December 5, 1987, he announced the appointment of Ms. Nadine Cooper-Mont, a lawyer and former Research Officer with the Department of Consumer Affairs, as the Province's first Deputy Solicitor General. In January 1988, the broad details of the mandate of the new Department were outlined in an internal memorandum within the Attorney General's Department. They appeared to include the entire responsibility which the Attorney General's Department had, up to that time, held with respect to policing and correctional matters.

It has been clear from our interviews, both with staff of the Attorney General's Department and with the Acting Chairman and staff of the Nova Scotia Police Commission, that the announcement of the new office and Department of the Solicitor General came as a complete surprise to all concerned. We were told that even the Attorney General himself was not apprised of this decision until a few hours before it was announced. More importantly, it was made clear to us that no substantial planning with respect to the new Department and its responsibilities, and no serious consideration of the implications of this decision for the role of the Attorney General and his Department for policing in the province had occurred before the decision was announced. As a result, there appears to be no documentation or planning on the basis of which a realistic assessment can be made of the likely impact the establishment of this new office and Department will have for the fulfillment of the Province's responsibilities with respect to policing in the future.

Our information about the new Solicitor General and Department, therefore, is based solely upon the public announcements which have been made with respect to them, our interviews with the new Deputy Solicitor General and others who will be directly affected by these developments, and the recently released Estimates for the new Department for the 1988/89 fiscal year.

In the Throne Speech on February 25, 1988, the Lieutenant-Governor of Nova Scotia announced that:

"This new Department of the Solicitor General will conduct, in consultation with our community partners, an immediate, comprehensive review of police services in Nova Scotia called "The Future of Policing in Nova Scotia".
Through this review and analysis, the Solicitor General's Department will evaluate all police-related services provided in the Province, the role of rural municipalities in funding law

enforcement, the role of the Nova Scotia Police Commission and community-based crime prevention needs.
The Department of the Solicitor General also has set as a priority development of a comprehensive training and education plan for municipal law enforcement offices [sic]."

In passing, one cannot help being struck by the continued denial of recognition in this statement of the work which has been done over the years by the Nova Scotia Police Commission, particularly in the area of developing training standards for municipal police officers.

In her interview with us, the new Deputy Solicitor General stressed to us that from her point of view the main benefit which will be derived from the creation of the new Department will be that "policing will get more attention". She indicated that her own recent attendance at meetings of the Nova Scotia Association of Chiefs of Police and the Nova Scotia Police Commission - according to her, the first time a Deputy Minister had ever attended such meetings - was a sign of things to come in this regard. She indicated that she expected that a new policing policy unit would probably be created within her Department.

Referring to the two studies which had been announced in the Throne Speech, the Deputy Solicitor General indicated that these would involve:

"(a) *an internal study, by Management Board "and others", of the role of the Provincial Government in policing, and consequent bureaucratic needs;*

(b) *a working group, drawn from the police community, the Nova Scotia Police Commission, etc., on police training needs and delivery within the Province.*"

The Deputy Solicitor General was unable to say, at the time we interviewed her, whether all the previous authority of the Attorney General under the *Police Act* and Regulations would be transferred to the new Solicitor General and, if not, which responsibilities were likely to remain with the Attorney General. Apparently these matters were still being resolved. She did, however, confirm that responsibility for the Nova Scotia Police Commission and for the Provincial Policing Agreement now lie with the Solicitor General and his Department.

Not surprisingly, in light of the formative stage at which the Department seemed to be at the time of our interview, the Deputy Solicitor General was not able to express a firm position on major issues of policing policy. She expressed considerable interest in the

findings of our own research in this regard.

The Deputy Solicitor General's assertions about the way her Department will organize itself to handle its responsibilities with respect to policing, must now be considered in the light of the Government's Estimates for the Department in the 1988/89 fiscal year. We have already noted that, in real terms, the budget for the Nova Scotia Police Commission (which remains separate from that of the Solicitor General's Department) for the 1988/89 year does not appear to involve any significant increase over that for 1987/88. With respect to the Solicitor General's Department, however, the funds allocated for the performance of its responsibilities for policing appear to have decreased significantly from those which were allocated for this purpose within the Attorney General's Department's budget in 1987/88.

It will be recalled that apart from the payments to the Atlantic Police Academy (now moved to the Commission's budget) and for the RCMP's provincial policing services, the only item specifically related to policing in the Attorney General's Department's 1987/88 budget was that which was described under the heading "Other Policing Services" (see the analysis of this item above, in Section 2.1.2). The amount allocated for this item in 1987/88 was $341,600, and 4.2 person-years were allocated to it.

In the Estimates for the Solicitor General's Department for 1988/89, this same item (now headed "Policing Services") appears as the only item specifically related to the Department's responsibility for policing, apart from the payment for the RCMPs provincial policing services. The amount allocated for this item is $75,000, and no person-years are assigned to it. Even with the amounts budgeted for the Atlantic Police Academy and the Police Review Board, the 1988/89 Estimates for the Police Commission still constitute less than 1.5 percent of the projected total operating expenses of the new Solicitor General's Department. When these two items in the Commission's budget are discounted, the remaining budget for the Commission amounts to only just over 0.5 percent of the Solicitor General's Department's projected operating expenses. This hardly seems to presage a new era in the provincial role in policing.

In response to our request for further details of the Department's 1988/89 budget, and the provision in it of resources for the fulfiliment of the Department's responsibilities with respect to policing, we received the following written reply:

"The reference in the 1988-89 estimates to "other policing services" is to provide aircraft surveillance to expedite the response to provincial emergency measures organization requests and to provide fast response time in searching for lost persons. Monies are

also used to supply various forms to police agencies throughout the province.
When the 4.2 funded staff were allocated to this item in the Attorney General's Department, it included the senior legal counsel and other support staff who, along with their other duties, had partial responsibility for policing within the province. This responsibility is now part of the Solicitor General's Department. The solicitor for the Department and other support staff will now carry out these duties." (Pink to Briggs, 05/07/88, p.2)

It can be assumed, of course, that policing matters will not be the only (or perhaps even the principal) responsibility of the new Department's solicitor. It seems reasonably clear from this response, therefore, that no major changes are imminent either in the way the Provincial Government addresses its responsibilities with respect to policing, or in the level of resources which will be dedicated to this end during the current fiscal year. It remains therefore to be seen whether, as a result of the studies which the Department has announced its intention to undertake, major changes will be made in the future.

Given the absence of more complete information about it, we are unable to say any more about the role of the Solicitor General and his Department.

2.4 The Police Review Board

Chief Judge Nathan Green's recommendation, in his 1981 report on his review of the *Police Act*, that an independent Police Review Board to hear and determine public complaints and matters of internal discipline against municipal police officers be established, seems to have provided the stimulus for the Government to support the creation of such a body. In his report, Judge Green was quite specific about the composition of the Board he was proposing. He wrote:

"It is intended that the Police Review Board represent the police community and the citizenry and be chaired by a provincial court judge. To this end we propose that the Governor in Council appoint a panel of three persons who would be representative of each group from whom one would be designated as a member and the other two as alternates." (at p.21)

Judge Green noted that a provincial court judge who chaired such a body and continued to serve as a judge could be thought by some to have a conflict of interest. He rejected this objection, however:

"We cannot agree with that position. It is our view that the person best qualified to understand the role of the police officer and what he has to meet in his everyday duties is the person who is privy to some aspects of the job in listening to the evidence that unfolds in each case; and that is a Provincial Court Judge. It is for this reason that we recommend that the chairman of the Board be a person holding that position rather than simply a legally trained person." (ibid.)

Judge Green recommended that the Chairman of the Nova Scotia Police Commission should be the Registrar of the Board, and that a new Investigative Branch of the Commission should undertake investigations on behalf of the Board. He recommended that the decisions of the Board should be in writing, giving reasons for them, and that they should be final. Where a decision of the Board awarded costs against any party, such a decision would be enforceable through the County Court as if it were an order of that court. He also specified what he thought the procedure and powers of the Board should be.

In Appendix 9 we have summarized the provisions of the *Police Act*, as amended in 1985, which spell out the composition, jurisdiction, procedure and powers of the new Police Review Board. A review of these provisions will quickly show that in enacting them the legislature followed Judge Green's recommendations almost to the letter, the only major departure from them being with respect to the composition of the Board. The legislation provides for a three-member board, with alternate members, but does not specify what kind of persons should be appointed, or that they should necessarily be representative of any particular interest groups (as Judge Green had suggested).

We have already commented on the difficulty of predicting what effect the creation of this new Board will have on the making and handling of complaints against the police, and the review of internal police disciplinary decisions, given Nova Scotia's recent experiences with the Nova Scotia Police Commission in this regard. As we noted earlier, however, the quality of the people appointed to the Board, and perceptions of this, and of the relationship between the Board and the Police Commission, on the part of potential complainants and police appellants, would seem likely to be critical elements in the effectiveness of the Board in fulfilling its mandate.

Experiences in other provinces which have introduced "independent" police complaint and discipline review mechanisms of this sort (Alberta, Ontario and Manitoba) suggest that in its early years the new Board will be severely tested, especially by police officers against whom complaints have been made or discipline

imposed, through court litigation raising questions of the constitutionality of the jurisdiction and procedures of the Board having regard to the parent statute (the *Police Act*) and the *Canadian Charter of Rights and Freedoms*. The Board will need to be both determined and well-resourced to meet such challenges satisfactorily. Such experience also demonstrates that the fact that the creation of the Board was supported by the police community will not protect it from such challenges once it starts to deal with particular cases.

It must be borne in mind that the jurisdiction of the Board is limited by the terms of the *Police Act* to those matters specified in the Regulations. The Regulations currently restrict the jurisdiction of the Board to matters involving municipal police forces and their officers. While the Act does not expressly rule out the possibility that RCMP officers serving as provincial or municipal police under the various Agreements described earlier could, at some future point, fall within the Board's jurisdiction, the likelihood that this will occur, given the extant case law in this area, seems very small indeed (see Appendix 6). The conclusions of the case law in this regard have been reinforced recently by the establishment, through amendments to the *RCMP Act* in 1986, of a federal Public Complaints Commission with jurisdiction to deal with public complaints against members of the RCMP serving anywhere in Canada. In addition, an External Review Committee has been established to review and advise the RCMP Commissioner on matters of internal discipline and grievances. Both these bodies are just starting up, so have no "track record" as yet.

The result of this, of ourse, is that whatever impact the Police Review Board may have will only be directly felt with respect to that half of the province's policing resources which consists of municipal police forces. The achievement of uniformity in the handling of public complaints and disciplinary matters, regardless of what force the officer involved is attached to, will remain virtually impossible in Nova Scotia, so long as the RCMP are used for provincial and municipal policing.

One possibility for achieving greater consistency in the approach to such matters, however, arises from the proposed composition of the new RCMP Public Complaints Commission. Each of the contracting provinces will have the right to nominate one representative on this Commission. By nominating the Chairman or a member of the Police Review Board to this position, Nova Scotia could increase somewhat the "common ground" which exists between the two mechanisms operating in the province.

Only experience will show how successful the new Police Review Board will be in reconciling the sometimes conflicting demands of

complainants and police officers for fairness and justice in the disposition of public complaints and internal disciplinary matters. Experience in other jurisdictions, both in Canada and elsewhere, suggests that this is a very elusive goal. The fact that the new Police Review Board has no authority to intervene in cases on its own initiative will make its pursuit of that goal on a province-wide basis almost completely dependent on the respect and confidence it can generate through its exercise of its "voluntary" jurisdiction. Given this more or less complete dependence on the will of complainants and municipal police officers, it will be very difficult to hold the Board accountable, in any meaningful way, for any lack of success it may experience in reaching this goal.

2.5 The Department of Municipal Affairs

Being a municipal service and responsibility, policing is of interest to the Department of Municipal Affairs. In Nova Scotia, this interest has so far manifested itself in two ways. In the first place, through its system of financial grants to municipalities, the Department of Municipal Affairs transfers money to the municipalities which may be used to fund municipal policing. Secondly, when a new municipality is being formed (as has happened on occasion in recent years, with the growing urban populations in Nova Scotia), the planning of the new municipality and its services, including policing, always involves the Department. The Department's statistical and other files on municipalities, of course, also constitute an important resource for those, such as municipal councils, Boards of Police Commissioners and the staff of the Nova Scotia Police Commission, whose responsibilities include the governance, planning and assessment of municipal police departments. We are not aware, however, of the extent to which this resource has been fully exploited by such bodies.

With respect to funding, the situation changed in a significant way in 1980. Prior to that year, Provincial Government grants to municipalities, which were made through the Department of Municipal Affairs, were "conditional" or "ear-marked". That is, specified portions of such grants had to be used by the recipient municipalities for specific municipal services. This meant that, in theory at least, the grants could be used as a means to exert direct or indirect government influence over the level and quality of such services.

Since the enactment in 1980 of the *Municipal Grants Act*, provincial grants to municipalities through the Department of Municipal Affairs have been "unconditional". That is, the municipalities, on receiving the funds, are free to use them for whatever municipal purposes they see fit. In this way, a municipal

police department may in fact receive a lot of financial assistance from the municipal grant, or none at all, depending on the priorities set by the municipality.

The current formula by which the size of municipal grants is determined is a complex one. A "standard expenditure per dwelling unit" is calculated, which is then multiplied by the number of dwelling units and the "uniform assessment". In calculating the "standard expenditure per dwelling unit", we have been told that a number of services, including police protection and "other protective services", are taken into account. Specifically, the operating costs of these services (as per the municipality's estimates) are factored into this calculation. Thus, the calculation by the Department does not involve any assessment by the Department of the existing services in a municipality (or review of such assessments which may have been done by others, such as the Nova Scotia Police Commission).

We were struck by the fact that no one whom we interviewed, in the Attorney General's Department, in the Solicitor General's Department, or in the Nova Scotia Police Commission, seemed to know anything about this aspect of the funding of municipal policing in the province. This in itself seems to us to be a rather remarkable and less than desirable situation. Copies of the written accounts of this program for calculating grants to municipalities which we received from the Department of Municipal Affairs are attached as Appendix 10.

The fact that there is virtually no direct provincial financial assistance for municipal policing in Nova Scotia may be regarded as a reflection of prevailing (and historical) attitudes towards provincial and municipal responsibilities in this area. It may also be viewed as a factor in understanding why, even if they were minded to do so, the Provincial Government and its agencies (such as the Commission) could expect to encounter difficulties (and perhaps even resistance) were they to seek to take a more aggressive, interventionist position vis-à-vis municipal police services. As has been demonstrated in a number of other jurisdictions in Canada, provincial attempts to have a significant impact on policing services provided by municipalities are rarely effective in the absence of some substantial accompanying financial incentives. As we shall note further below, the issue of regionalization of policing seems already to have provided a good illustration of this principle in action in Nova Scotia.

In the time available to us, we were not able to gain a clear picture of what role the Department of Municipal Affairs has played in the planning of policing services for new municipalities. As we noted above, however, the Nova Scotia Police Commission reported to us that in the case of the new Town of Bedford in 1982, it was the Department of Municipal Affairs which apparently took the leading

role in assessing the policing service needs for the new town and the Commission which assisted them, rather than the other way around. This provides a good illustration of the fact that in some circumstances, agencies of the Provincial Government which are not usually thought of as having responsibility for "justice" matters may nevertheless exert significant influence over policing policy and planning decisions. While the Finance Department is obviously the first which comes to mind in this connection, it is clear that occasionally the Department of Municipal Affairs also plays such a role.

During the course of our interviews with the chairmen of ten municipal Boards of Police Commissioners, we asked them if they felt satisfied with the present arrangements for funding municipal policing and whether they would support or oppose an increase in the level of financial support for municipal policing provided by the Province. Four of these interviewees indicated that they were basically satisfied with things as they are, although one of these said that he thought his municipality was not always being adequately compensated for the expenses it incurs in enforcing the *Liquor Control Act*, and another commented that for years previously funding had been inadequate. Not surprisingly, another of these four said that although he was satisfied with things as they are, his municipality could always use more funding if it were available.

The remaining six interviewees all expressed some dissatisfaction with the current funding arrangements. A common theme with five of these was the perceived inequity which requires towns to pay for their policing services, while smaller rural municipalities (some of which now have quite large populations and hence substantial tax bases) obtain policing services free through the Provincial Policing Agreement. This perception of inequity (and underfunding of town policing) was particularly stressed by chairmen who characterized their towns as regional "hubs" of commerce and entertainment, and argued that calculating provincial funding support on the basis of the resident population (as opposed to the larger population that actually had to be policed within the town, due to influxes from neighbouring areas) was particularly unsatisfactory (Murphy, 1986: 273). The basic conclusion of all of these five interviewees seemed to be that either rural municipalities should have to pay for their policing services or the Province should increase its grants to the towns. One of these five also expressed his concern that some municipalities are dropping their recruiting standards because they cannot afford to send recruits to the Atlantic Police Academy. The sixth of those who expressed dissatisfaction with the current situation simply said that he felt provincial funding of municipal policing was too low and should be significantly increased.

2.6 Conclusions on the Provincial Role

Our review of the role of these various Provincial Government departments and agencies in the control and accountability of policing in Nova Scotia reveals that while there is a legislative mandate for a substantial and influential role for the Provincial Government vis-à-vis policing in the province, the actual exercise of a provincial role tends in practice to be much more limited than the legislative mandate might be thought to suggest. There appear to be those, some of whom have held very senior positions within the Attorney General's Department, who believe that this is as it should be. They take the view that policing in the province is (and historically always has been) the responsibility of the municipalities, and that the provincial role should therefore be restricted to the minimum necessary to:

(a) *ensure a minimum level of citizen satisfaction with policing services;*

(b) *respond to "serious" problems which are identified; and*

(c) *respond adequately to requests for assistance which the municipalities may make.*

For convenience, this may be termed a minimalist, reactive concept of the provincial role.

Others in the Attorney General's Department, in the Nova Scotia Police Commission, and in the new Solicitor General's Department, however, seem to take a rather different view of the Provincial Government's role. According to these people, the Province has been doing less than it should have been in monitoring, encouraging development and up-grading, insisting on high standards of policing throughout the province, and generating and implementing rational policy planning for policing. Those who take this view assert that the provincial agencies should show more aggressive leadership in ensuring quality policing services. Far from viewing the current situation as the way things should be, they speak of frustrations caused by inadequate funding and resources, and what has been sometimes referred to as a "failure of political will". For convenience, this may be referred to as an activist, leadership concept of the provincial role.

Not all the people to whom we spoke, of course, neatly lined themselves up with one of these two concepts of the provincial role. Some took intermediate positions. What is perhaps most important, however, is the significant divergence of opinion as to what the provincial role should be among responsible provincial officials.

As we have noted at several points of our description of the existing situation in the province, there appear to be some significant differences of perception among key officials as to just what is the current provincial role, who is responsible for what, and who is doing (or has done) what with respect to policing policy.

What this all points to is the fact that the provincial role with respect to policing never seems to have been clearly and deliberately articulated and agreed upon by those responsible for it. Indeed, we have not discovered any substantial debate about it, either in the legislature or elsewhere, although the fact that full public records of the discussions of the Legislative Assembly's Committee on Law Amendments (in which all legislative initiatives may be thoroughly debated - and apparently the Police Bills of 1973, 1974 and 1985 were) are not kept, may partly account for this. Even Chief Judge Green, in his important review of the *Police Act*, did not enter upon a general discussion of what the provincial role in policing should be. It is time that such a discussion took place in Nova Scotia.

As we have noted in our discussion of the role of the Nova Scotia Police Commission, provincial officials do not appear to be alone in their lack of agreement about what the provincial role should be. The police chiefs and chairmen of Boards of Police Commissioners to whom we spoke were by no means unanimous on this subject either.

In this Part, we have tried to give an overview of what the role with respect to policing is, and has been, in Nova Scotia in recent years, and how those whom we interviewed perceive it and feel about it. The clearest conclusions which emerge from this overview are:

1. *There are no substantial mechanisms in place at the provincial level at present through which broad, coherent and rational policy planning with respect to the overall delivery of policing services throughout the province is taking place. Almost all of our interviewees seemed to be agreed about this although there was less consensus about whether this is an undesirable state of affairs.*

2. *There are many who feel that the provincial role is presently less substantial and activist than it should be, and who attribute this to lack of adequate funds and resources, and a "failure of political will".*

3. *Other than on an* ad hoc *basis around some quite specific needs (such as breathalyzer training), there is no significant integration, at the provincial level, of policy planning with respect to the two "halves" of the public policing resources in the province - the RCMP and the municipal police forces.*

4. *The Nova Scotia Police Commission is the only agency within the Provincial Government at present which has the potential (in terms of expertise and opportunity) for undertaking substantial policy planning and implementation with respect to policing services in the province. It is incapable of performing this function adequately at present because of inadequate resources and the fact that the RCMP are not regarded as falling within its mandate.*

5. *Consistency and continuity in the provincial role over time appear to be impaired by inadequate record-keeping, research and statistics, and information management within the responsible agencies. In the case of the Attorney General's Department, this appears to have resulted from continued adherence to long-standing administrative practices which are no longer appropriate. In the case of the Nova Scotia Police Commission, it appears to be largely the product of inadequate resources.*

6. *Adequate information is not currently available to predict the desirability of the creation and the likely impact of the new Department of the Solicitor General and the new Police Review Board, as far as the provincial role in policing is concerned.*

7. *There appears to have been inadequate communication and liaison in the past between the Attorney General's Department and the Department of Municipal Affairs with respect to their roles with regard to the funding of municipal policing in the province.*

Part 3
The Role of Municipal Agencies

As we have noted earlier, the primary responsibility for the provision and governance of municipal policing services in Nova Scotia (as in other Canadian provinces) has been delegated, through Section 13 of the *Police Act*, to municipalities themselves. This responsibility can be achieved in three different ways. The municipality may appoint its own police force (under Section 15 of the Act); it may enter into an agreement with the Province, the Federal Government or another municipality, to obtain policing services (Section 18); or it may enter into an agreement with the Province to have the provincial policing services "extended" to the municipality (Section 12). With the consent of the Attorney General, a municipality may provide policing services by a combination of these means, but this does not diminish its responsibility under Section 13 of the Act.

Currently, 25 municipalities in Nova Scotia have their own established police forces, ten have contracted directly with the Federal Government for the services of the RCMP, and seven have entered into "extension" agreements with the Province, again for the services of the RCMP. We have been informed by counsel for the Attorney General's Department that these "extensions" have been arranged "by exchange of letter without formal contractual arrangements" (Correspondence dated 23/2/88).

In those municipalities which are policed by the RCMP, the responsibility of the municipality under Section 13 of the Act rests exclusively with the elected municipal council (although it is sometimes exercised through a committee of the council, often called a "Public Safety Committee"). From 1974 to 1988, each of the municipalities which appointed their own police forces and had populations of 1,500 or more were required also to establish a Board of Police Commissioners, which shared responsibility for the governance of their police forces with the municipal councils. For municipalities which had their own police forces but had populations of less than 1,500, the establishment of such a board was optional. Since the 1985 amendments to the *Police Act* came into force in May 1988, however, all municipalities which have established their own police forces, regardless of the size of their population, are now required to establish such Boards of Police Commissioners.

In this Part, we consider the roles of municipal councils (and their committees) and Boards of Police Commissioners in the provision and governance of municipal policing services.

3.1 Municipal Councils and their Committees

In Appendix 11 we have summarized the provisions of the Nova Scotia *Police Act* and of the Municipal Policing Agreements which spell out the role of municipalities in the control and accountability of municipal policing services. Although Sections 13 and 17 of the Act, read literally, suggest that the role of a municipality in this regard is the same whether it provides policing services by establishing its own police force or does so by contracting with the RCMP, in reality, as Murphy (1986) has shown, the role of a municipal council changes significantly once it decides to contract with the RCMP for policing services rather than maintaining its own municipal police force. Murphy's conclusions in this regard are consistent with comparative research on this subject which has been undertaken in other provincial jurisdictions (see Hann, McGinnis, Stenning, and Farson, 1985).

The role of municipal councils and chief executives in the "contract" situation is substantially spelled out in the Municipal Policing Agreement (the provisions of which in this regard are summarized in part (b) of Appendix 11). As in the case of the Provincial Policing Agreement, the precise legal status of the Municipal Policing Agreement, and its compatibility with the Nova Scotia *Police Act,* have never been very clearly established. Thus, for instance, although Section 13 of the Act stipulates that the municipality is responsible "for the policing of and maintenance of law and order in the municipality and for providing and maintaining an efficient and adequate police force at its expense in accordance with its needs", Section 2(1) of the Municipal Policing Agreement provides that "the internal management of the Municipal Policing Services, including administration and the application of professional police procedures, shall remain under the control of Canada". Other provisions of the Agreement similarly stipulate that key decisions which may affect the size and quality of RCMP services in a municipality lie ultimately within the discretion of the Commissioner of the RCMP in Ottawa rather than with the municipal council. When read together, then, the *Police Act* and the Municipal Policing Agreement suggest that when a municipality contracts with the RCMP for municipal policing services, it assumes a certain amount of responsibility without real control.

The same kinds of constitutional considerations impinge on the relationship between a municipality and the RCMP as were discussed previously in considering the relationship between provincial authorities and the RCMP when the latter provides provincial policing services under contract. The result, as Murphy has documented, is that a municipality which contracts with the RCMP has considerably less direct control over the nature and quality of its policing service than does a municipality which

establishes its own municipal police force. For some municipalities, this shift in control which occurs when the RCMP are engaged represents a welcome "delegation" of responsibility which brings with it high standards of "professional" policing. Sometimes, however, it can be a source of frustration if the standards of policing applied by the RCMP are not thought, by the local community and/or its leaders, to be in harmony with local values and priorities.

For municipalities which have established their own police forces, the role of the municipal council will vary according to whether a Board of Police Commissioners has been established. As we shall note below, in those jurisdictions which have Boards of Police Commissioners, significant aspects of the control and accountability of the municipal police force may be delegated to the board, leaving the municipal council with a reduced governing role. Whether there is a Board of Police Commissioners or not, however, municipal councils always retain ultimate control over two aspects of municipal police governance: the selection and hiring of a chief of police (see Section 15 of the *Police Act*) and the approval of the budget for the police department (Section 19(12)).

If there was no Board of Police Commissioners (a situation which has now become impossible as a result of the 1985 amendments to Section 19 of the Act), the municipal council retained authority over all aspects of municipal police governance. In this connection, it is noteworthy that Section 20(2) of the Act refers to "the right of a municipality to direct its own police operations" - an unusually unambiguous affirmation of the breadth of a municipal council's authority over its police department, which seems to suggest that virtually no aspect of police governance lies outside the municipal council's authority. This ultimate authority appears to be further confirmed by the opening words of Section 15(5) of the Act, which provides that:

"15 (5) Except when inconsistent with the provisions of this Act, the actual day to day direction of the police force with respect to the enforcement of law and the maintenance of discipline within the force shall rest with the chief officer [of police] or person acting for him."

The opening words of Section 15(5) seem to make it clear that the chief officer's right to direct the force is subject to the right of the municipality to direct its police operations, referred to in Section 20(2). Such a clear expression of the subordination of a chief of police to the direction of the municipality which employs him or her, even with respect to the enforcement of the law, is unique in Canadian police legislation (see Stenning, 1982 and 1983).

Until 1988 a municipal council, whether there was a Board of Police Commissioners or not, had responsibilities under the *Police Act* and Regulations for hearing appeals from disciplinary decisions made by its Chief of Police, for dealing with public complaints against members of the police department, and for dealing, at first instance, with allegations of disciplinary infractions by a Chief of Police. The 1985 amendments to the *Police Act* and Regulations, however, have now removed these functions from municipal councils altogether. This change reflects a longstanding concern that elected municipal councils are not suitable bodies to perform such functions (see Stenning, 1981).

3.2 Municipal Boards of Police Commissioners

As of April 30, 1988, 23 of the 25 municipal police departments in the province were governed by Boards of Police Commissioners. Of these, 22 were mandatory (under Section 19(1) of the *Police Act*) and one (Mahone Bay) was "optional" (under Section 19(2)). The other two forces (Hantsport and Annapolis Royal) were governed directly by their municipal councils. When the 1985 amendments to the *Police Act* were proclaimed in force on May 1, 1988, these two municipalities were required to establish Boards of Police Commissioners for the governance of their police forces.

The role of Boards of Police Commissioners in the control and accountability of municipal police forces is summarized in Appendix 12. From a perusal of this summary, it will readily be apparent as to how difficult it is to generalize about this role. The main reason is that, unlike the situation in most other Canadian jurisdictions, there is no uniform role for such boards spelled out in the Nova Scotia *Police Act*; rather, the Act (Section 20) provides that each municipality may, by by-law, prescribe the "powers and duties" of a board, and the "rules and regulations" which shall govern its proceedings. This means that each municipality can tailor the role of its board to suit its own preferences, granting it, in effect, as much or as little authority with respect to its police force as it chooses. The only legal limit on this discretion is provided by Section 20(2) of the Act, which now provides that:

"20 (2) Notwithstanding the right of a municipality to direct its own police operations, the function of any board shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force but shall not exercise any jurisdiction relating to complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police force."

Section 20(1) provides that a board has "sole jurisdiction over those matters so delegated to it" by the municipality. This means, of course, that the municipal council and its committees retain authority with respect to any aspect of municipal police governance which has not been delegated to the board.

The by-law prescribing the powers and duties of a board, and the rules and regulations which shall govern its proceedings, must be approved by the Nova Scotia Police Commission, and this requirement offers the opportunity to the Commission to insist upon some uniformity in the role of municipal police boards. Although the Commission has promulgated (in 1977) a model by-law for adoption by municipal councils, and most of the 23 municipal councils which have established boards have closely followed this model, the Commission has never sought to insist upon uniformity. Its position, as explained to us in an interview with a senior staff member, has been that as long as a by-law is in conformity with the requirements of the *Police Act*, it will be approved by the Commission.

A copy of the Commission's model by-law is attached as Appendix 13. As will be noted from a perusal of this model by-law, the general role of a board is not specifically spelled out as such. Rather, some specific functions are mentioned, and then Section 6(c) mirrors the general language of Section 20(2) of the *Police Act*. Of particular note, however, in confirming the broad scope of a typical board's authority in Nova Scotia, is Section 6 of the model by-law, which provides that:

*"**6**(a) The board shall have jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes and Town By-Laws and Ordinances.*
(b) The board shall further have jurisdiction over all matters relating to the enforcement of the provincial statutes having local effect and Town By-Laws and Ordinances, but the Council shall have the right to request the enforcement of such statutes or By-Laws as may be required for the proper administration thereof within the town.
(c) Notwithstanding the foregoing, the function of the board on behalf of the Council shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force."

This provision represents an unusually (for Canada) clear and unambiguous confirmation of a board's authority with respect to matters of law enforcement. It should also be noted, however, that Section 7(c) of the model by-law reproduces the essence of Section

15(5) of the *Police Act*, confirming the Chief's authority with respect to the day to day operations of the police force, but without the opening words of Section 15(5): "Except when inconsistent with the provisions of this Act." This still seems to leave a board with considerable authority with respect to law enforcement policy, priorities and methods.

The fact that a municipal council can amend a by-law constituting a board and its authority at any time means, of course, that a council retains considerable influence over the way a board runs its police force, although the requirement for approval of such a by-law by the Nova Scotia Police Commission might be expected to act as somewhat of a check against perceived abuse in this regard. The main sources of continued municipal council influence over the activities and decisions of a board, however, lie in the composition of boards, and the fact that the council always retains ultimate authority over the police force's (and the board's) budget. As Appendix 12 shows, there is great variety in the size and composition of the 23 boards in Nova Scotia, although the variety in size will now be reduced as a result of the recently proclaimed amendments to Section 19 of the *Police Act*. As of April 1988, however, boards varied in size from four to 16 members, and varied significantly in terms of the proportion of board members who were elected politicians as opposed to appointed citizens. Most boards, however, continue to be comprised of a majority of elected local politicians. Every board includes one person appointed by the provincial Attorney General. The size and composition of boards do not seem to be related in any discernible way either to the size of the municipality concerned or to the size of the police force for which the board is responsible. In fact, we learned that in three instances the board is as big as the police force for which it is responsible, and in two municipalities it was bigger (one of these has now disbanded its police force and contracted with the RCMP for municipal police services).

As of May 1, 1988, boards will have to consist of between three and seven members, one of whom in each case must be a person appointed by the Attorney General of Nova Scotia. Some of the municipalities which have had larger boards have expressed strong opposition to this change. The fact that the municipal council retains control over the size (but now within limits), composition and role of a board, however, means that municipalities that are not happy with the smaller board now required by the *Police Act*, will be able to largely evade the consequences of it by reducing the role of their mandatory boards. In theory, as we have noted above, a council is free to accord to its board a role which is no more than ceremonial, and still be in compliance with the *Police Act*. Whether some municipalities which are dissatisfied with the idea of a smaller board

will take this course remains to be seen. The only check against it seems to be the requirement for approval of a municipal by-law by the Nova Scotia Police Commission. But as we noted earlier, the Commission has not, up to now, been willing to use this requirement as a way of imposing minimum standards on municipalities with respect to the size, composition and role of municipal Boards of Police Commissioners. It would be unfortunate indeed if the result of statutory amendments requiring a reduction in the size of boards were that some municipalities simply reduced the role of their boards so that their councils as a whole could continue to effectively run their police forces. This would defeat the very object of the amendment.

In our interviews with ten chairmen of municipal Boards of Police Commissioners, we asked them how they felt about the new requirements concerning the size of boards. Eight of our ten interviewees expressed support for the amendment, although one of these said that many of the aldermen in his city were opposed to it. Three of these eight expressed concern that the minimum size provided (for a three-member board) was too small and would present practical problems, allowing important decisions to be made by too few people. One supporter of the change said he felt that smaller boards would be more efficient and would be able to achieve continuity more easily. Another said that they would achieve a better interaction with their departments and that improper political interference would be reduced. Of the two interviewees who were opposed to the change, one said that he felt that it would be more difficult to get people to serve on a smaller board, and the other said that he thought that the exclusion of some councillors from the board (which would be necessary to down-size it to meet the new requirements) would lead to duplication of decision-making and possible conflict between the board and the municipal council.

The new Regulation 29 under the *Police Act* now authorizes boards to make rules and regulations for their police forces. These must, however, be forwarded to the Nova Scotia Police Commission for approval prior to promulgation. This requirement for approval provides the Commission with an important opportunity to promulgate minimum standards for municipal police forces, although of course the Commission cannot require boards to make any particular rules and regulations (it can only exercise a veto over rules and regulations of which it does not approve). In other Canadian jurisdictions, however, there have been quite successful attempts by provincial Police Commissions to promulgate and promote model rules and regulations for municipal police forces for adoption (with such modifications as local circumstances are thought to require) by municipal police governing authorities. The provincial Police

Commission, the Association of Municipal Police Governing Authorities, and the Association of Chiefs of Police in Ontario have been especially active in this regard. With leadership from such bodies in Nova Scotia, similar results could perhaps be achieved. Undoubtedly the Police Association of Nova Scotia and the Canadian Union of Public Employees would also be able to make useful contributions towards the development of such model rules and regulations.

One other provision of the *Police Act* which is worthy of note in this connection is Section 19(11) which provides that:

"19 (11) Except when communicating a decision of the board, no member thereof shall issue or purport to issue any order, direction or instruction to any member of the municipal police force relative to his duties as a member of the force."

This provision is clearly intended to prohibit any attempt by a board member to exert improper political or personal influence over the exercise by police officers of their authority. It is noteworthy, however, given the extent to which the *Police Act* permits authority over the governance of municipal police forces to be retained by municipal councils and their committees, that the *Police Act* contains no comparable provision designed to prevent improper influence by council members. It seems likely that this was an oversight in the drafting of the 1974 *Police Act*. It is one which should be corrected.

In 1982, the Nova Scotia Police Commission issued a document entitled "Guidelines For Police Governing Authorities", which appeared to be aimed primarily at members of municipal Boards of Police Commissioners. For the most part, this document is a summary of the provisions of the *Police Act* with a brief introduction on the history of policing in Nova Scotia. It does, however, contain advice on the respective roles of a Board of Police Commissioners and its police chief, and the relationships which should ideally prevail between them. One of the points it emphasizes in this regard (apparently contrary to the express provisions of the *Police Act* and the Commission's own model by-law, discussed above) is that beyond expressing its "advice to the chief as to what the governing authority perceives to be enforcement priorities in their particular community", a board has no lawful authority with respect to law enforcement matters. (Relevant extracts from this document are reproduced in Appendix 14.)

In our interviews with ten board chairmen, we asked them how they perceived the role of their boards, and whether they were satisfied with the role their boards currently played in the governance of their police departments. Their answers to these questions showed

clearly that the Commission's advice with respect to the appropriate role of boards has been widely accepted. All of the seven interviewees who answered this question in any detail emphasized that their boards played a broad policy role, with especial emphasis on financial and labour relations matters, but were not involved in day-to-day policing matters and did not interfere in the operational management of their police forces. Eight of our ten interviewees indicated that they were satisfied or very satisfied with the current role of their boards, although one of these said that he thought his board should meet more often. The remaining two interviewees did not specifically answer this question.

3.3 Conclusions on the Municipal Role

It will readily be apparent from our analysis so far that the great variety of arrangements for municipal police governance which the law permits in Nova Scotia makes it very difficult to draw general conclusions about this phenomenon. For us, this difficulty has been compounded by the relatively short time which was available to us within which to conduct research into this aspect of the control and accountability of policing in Nova Scotia. Even the relatively superficial examination that we were able to undertake, however, yields some important conclusions. These may be summarized as follows:

1. *The* Police Act *and relevant municipal by-laws in Nova Scotia authorize a very interventionist role for municipal police governing authorities, vis-à-vis the police forces for which they are responsible. Legislation explicitly extends this role to embrace matters of law enforcement.*

2. *Municipal police governance is dominated by elected municipal politicians. In permitting elected municipal councils to determine the composition and role of Boards of Police Commissioners, the law in Nova Scotia seems to encourage this dominance.*

3. *Given the substantial role which municipal councils are permitted to play in municipal police governance, there is a somewhat surprising lack of legal impediments to the exercise of personal influence by elected municipal politicians in the affairs of municipal police forces.*

4. *Despite the broad mandate which most Boards of Police Commissioners are given by the by-laws which establish them, there appears to be a high degree of (at least rhetorical) acceptance among board chairmen of the philosophy (promoted by the Nova*

Scotia Police Commission) of board non-intervention in police operational matters. Our research was not adequate, however, to allow us to draw any conclusion as to the extent to which this theoretical commitment is reflected in the actual practices of boards.

5. *There appears to be a high degree of satisfaction among board chairmen with the current role of their boards in municipal police governance.*

6. *There also seems to be a high degree of acceptance, among board chairmen, of the merit of the recent changes to the* Police Act *of Nova Scotia with respect to the size and composition of boards of police commissioners. By no means all of the chairmen to whom we spoke, however, were fully informed about these changes.*

7. *Because municipal councils retain the right to determine the role Boards of Police Commissioners will play in the governance of their police forces, it is not clear that the recent introduction of a requirement that all municipalities which have their own police forces must establish such boards will have any significant impact on the nature or quality of municipal police governance in the province. To a large extent, whether or not such impact occurs will depend on whether the Nova Scotia Police Commission is prepared in future to exercise its authority (through its power to grant or withhold approval to by-laws establishing boards, and its other powers) to impose minimum standards with respect to the role of boards in municipal police governance. Up to now, the Commission appears to have been reluctant to do this.*

8. *So long as municipalities continue to contract with the RCMP for municipal policing services, constitutional, contractual and practical constraints will prevent such municipalities from exercising the same degree of control over the policing of their municipalities as can be exercised by municipal police governing authorities in municipalities which maintain their own municipal police forces.*

Part 4
Public Complaints Against the Police

We have already addressed some aspects of the handling of public complaints against the police in our discussions of the roles of the Nova Scotia Police Commission and the new Police Review Board in this regard. Some other aspects of this important issue remain to be addressed.

The disposition of complaints against the police has come, rightly or wrongly, to be regarded as one of the key elements in public (and police) perceptions of the control and accountability of policing. In Toronto, which is the Canadian jurisdiction which has gone furthest in adopting "independent" civilian review of complaints against its police officers and has developed something of an international reputation on this issue as a result, the issue of the handling of public complaints has led in recent years on the one hand to the formation of an unofficial citizens' action group (Citizens for an Independent Review of Police Action) which lobbied hard for the new system which was eventually introduced (and in the meantime undertook its own reviews of police complaints) and, on the other hand, more recently, to industrial action and aggressive litigation by members of the Metropolitan Toronto Police Association in protest against the system that has now been put in place. The Association has so far lost every court challenge which it has made to the jurisdiction of the Public Complaints Commissioner and the Police Complaints Board.

There are two factors which make it very difficult to achieve consensus on a process for adequately dealing with public complaints against the police. One is fairly easily resolved, the other is not. The first, and not easily resolved, stumbling block is the difficulty of achieving any agreement (particularly between police representatives and groups representing complainants) as to what constitutes "success" for an agency which deals with public complaints and how to evaluate it. This is often exacerbated by the fact that the objectives of such agencies are not clearly articulated and, even when they are, priorities among possibly conflicting objectives (*e.g.* achieving outcomes which do substantive justice for complainants, and maintaining high morale and motivation among police officers) cannot be agreed upon. There are no magic solutions to these dilemmas. Priorities always have to be negotiated among interested groups and as a result compromises are reached which never satisfy everybody.

The second problem, which is more easily resolved, relates to the need for detailed and accurate information, statistics and research on the nature of public complaints against the police and their disposition. Without such information, accumulated over time so that patterns and trends can be discerned, effective evaluation of the "success" of a public complaints review agency such as the Police Review Board in Nova Scotia is virtually impossible. Information

about complainants' and police officers' perceptions of the agency and its handling of cases can also be of great assistance in this regard.

The new Police Review Board in Nova Scotia should give priority to these two aspects of its mandate from the outset of its work if it aspires to become a demonstrably successful public complaints review agency. In doing so, it will be able to look for assistance and guidance to a growing number of similar agencies, not only in Canada but in other Commonwealth countries. The Public Complaints Commissioner in Toronto and the Police Complaints Authority in the United Kingdom have been particularly active in developing adequate systems of information, statistics and research to support the work of their agencies. In addition, much of the current expertise and experience in this area is now pooled and shared at the annual meetings of the International Association for Civilian Oversight of Law Enforcement (IACOLE). The Police Review Board should be represented in this Association.

Finally, given the substantial presence of the RCMP in the Province, the Police Review Board should maintain close liaison with the newly formed federal Public Complaints Commission under the *RCMP Act*. Responsibility for public complaints against the police in Nova Scotia should be fragmented as little as possible. While the Police Review Board will not be able to exercise formal jurisdiction with respect to public complaints against RCMP officers serving in the province, the Attorney General or Solicitor General should insist (as they would be entitled to under the Provincial Policing Agreement) that the Police Review Board be kept fully informed on an ongoing basis, by the Commanding Officer of 'H' Division, of all public complaints against members of the RCMP in the province. We have been told by counsel for the Attorney General's Department that such systematic information has not, up to now, been requested from the RCMP either by the Department or by the Nova Scotia Police Commission (Pink to Briggs, 05/07/88, p. 5).[38]

Our research has shown clearly that while the Nova Scotia Police Commission has been able to collect and publish some rudimentary statistics with respect to public complaints against municipal police officers in recent years (see Section 10 of Appendix 8), it has not had the necessary resources to develop and maintain a system of information, statistics and research which would be adequate to support the work of an agency such as the new Police Review Board. Priority should be given to setting such a system in place at the outset of the Police Review Board's existence. Our review of the 1988/89 budget for that agency indicates that it does not include sufficient resources for this purpose.

38. The Attorney General has kept some files with respect to complaints against the RCMP which represent complaints made directly to his office. The Department of Attorney General reports that it received 23, 18 and 33 complaints, respectively, for 1985, 1986, and 1987. The Department did not take an active role in doing any quantitative or qualitative analysis of the numbers or types of complaints. This lack of analysis reflects that the RCMP has dealt directly with complaints which come to it in the first instance, and the viewpoint that "the RCMP are a federal police force under contract to provide provincial policing services" and "any complaints against the RCMP must be dealt with by them".

With respect to public complaints against members of the RCMP serving in the province, the situation appears to be somewhat easier since all of those complaints are channeled through the force itself. Summary tables of complaints received by the force for the years 1986, 1987 and the first six months of 1988, as reported to us by the force, are presented in Appendix 19 from which it will be apparent that the numbers of complaints reported as having been lodged against the force and its members are somewhat higher than the numbers reported as having been lodged against municipal police forces and officers during comparable periods (cf. Section 10 of Appendix 8). We would be unwilling to draw any firm conclusions from this since the differences may well be accounted for by differential reporting practices. Indeed, as with the statistics made available to us on complaints against municipal police forces, the kinds of general statistics provided to us by the RCMP are not sufficient for us to be able to draw any significant conclusions as to what they indicate either about the quality of policing by that force in the province or the adequacy of the procedures of the force for receiving, investigating and disposing of complaints against the force and its members. If the Police Review Board is to be able to monitor complaints against the police in Nova Scotia adequately, it must be ensured that it has access to the kind of detailed information about complaints against the RCMP (even though it does not have formal jurisdiction with respect to them) which will allow significant analysis to be undertaken, appropriate policy conclusions to be drawn and, where required, suitable remedial measures recommended.

In Appendix 9 we have pointed out that there appears to be some conflict between the provisions of the *Police Act* and those of the new Regulations under the Act with respect to the procedures to be followed in handling public complaints. Subsection 25(3) of the Act stipulates that where a complaint is not satisfactorily resolved at the local level, it "shall be referred to the Investigative Branch of the Nova Scotia Police Commission in accordance with the regulations". Subsection 25(4) provides that the Investigative Branch "shall investigate the matter and attempt to resolve the complaint". Regulations 12(5) and 13(1), however, seem to contemplate a different procedure, according to which, once a local investigation of a complaint has been completed, the local "authority" charged with dealing with it (*i.e.* the Chief of Police or, in the case of a complaint against the Chief, the Board of Police Commissioners) has a variety of courses of action from which it can choose, one of which is to "refer the complaint to the Review Board". Another is to "take no further action with respect to the complaint". Regulation 13 then provides that a complainant or the police officer complained against

may "initiate a review of the manner in which the authority dealt with the complaint" by filing with the Registrar of the Police Review Board (the Chairman of the Nova Scotia Police Commission) a "notice of review in Form 10 of the Schedule within fourteen days after the person who is seeking the review receives the decision of the authority with respect to the complaint". On receiving such a notice, the Registrar is required to "refer the complaint to the investigative branch of the Commission" which may then attempt to resolve the complaint informally.

The two procedures contemplated by the Act and the Regulations are different in significant ways and do not appear to be compatible. Under the Act, reference of a complaint to the Investigative Branch of the Commission is automatic once there has been a failure to resolve the matter at the local level. Under the Regulations, reference to the Investigative Branch occurs only if the local "authority" chooses to refer the matter to the Police Review Board or the complainant or the police officer complained against initiates a review. These inconsistencies need to be ironed out at an early stage so that the procedure for handling complaints is clear and unambiguous.

It should also be pointed out that Regulation 13 refers to a "review of the manner in which the authority dealt with the complaint", while the language of the Act clearly indicates that the role of the Investigative Branch of the Commission and the Police Review Board itself is to review the substance of complaints and not just the manner in which they have been handled by local "authorities". There is a critical difference between these two, and the Regulations should be clarified to confirm the substantive jurisdiction of the Investigative Branch and of the Review Board.

The Nova Scotia legislation reflects an important choice with respect to the extent of the jurisdiction of the Police Review Board. Like many other comparable schemes, this scheme authorizes the Board to impose dispositions on police officers or to vary or substitute dispositions imposed by a Chief of Police or a Board of Police Commissioners. While a jurisdiction such as this creates important opportunities for the Board to ensure equality of treatment throughout the province, the implications it has for the authority and responsibility of Chiefs of Police to manage and discipline their police force members should not be overlooked. For in effect, allowing the Board to substitute its judgment on such matters for that of the Chief of Police also allows the Chief to evade responsibility for the final outcome of a case. At least one Commission of Inquiry into procedures for handling public complaints against the police (the Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedure within the Royal Canadian

Mounted Police, chaired by His Honour Judge Rene Marin) has argued strongly against this approach in its 1976 Report. This Commission concluded that it was important to have a public complaints process which preserved and emphasized the chief's responsibility to manage and maintain discipline in his force. Accordingly it recommended that the role of an external review agency should be limited to adjudicating a complaint and publicly recommending to the Chief (in this case the Commissioner of the RCMP) what course of action he ought to take against officers who were found to be at fault, leaving the Chief with the ultimate responsibility for determining and imposing discipline. It argued that a Chief who consistently failed to follow the spirit of such recommendations would in effect be calling his own competence as a leader and manager into question, as a result of which he could himself become the object of legitimate complaint. These principles were evidently accepted by Parliament and are now embodied in the role of the Public Complaints Commission under the *RCMP Act*.

Clearly the same principles did not guide the architects of the Police Review Board in Nova Scotia. Nevertheless, it is noteworthy that one of the dispositions described as available to the Board under Section 28E of the *Police Act* is to:

"(c) find that the matter under review has validity and recommend to the body responsible for the member of the municipal police force what should be done in the circumstances."

In light of the arguments put forward by the Marin Commission, the Review Board might do well to consider making frequent use of this alternative. A requirement could be built in that the "body responsible" make publicly known the disposition that it has elected, so that if this disposition differs substantially from the recommendations of the Review Board, the "body responsible" can be held accountable for it. In this way the process might encourage rather than detract from responsible police management.

Part 5
Intervention in Individual Cases

An issue which has already arisen in the course of this Royal Commission's deliberations, and which is important in the context of control and accountability of policing, is that of whether, and to what extent, authorities who are responsible for the governance of police are entitled to intervene to give direction or advice to them with respect to the handling of individual cases. This has proved to be a thorny issue in Anglo-Canadian constitutional jurisprudence and several treatises have already been written on it, each reaching somewhat different conclusions from the others.

The most recent (and the most substantial) official consideration of this issue in Canada was that of the Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police (the McDonald Commission) which submitted its report in 1981. It is not intended to rehash here all the discussion of this issue which the Commission engaged in in its report. Two aspects of its conclusions on the matter should be noted, however. In the first place, after a review of the provisions of the *RCMP Act* and relevant case law on the matter, the Commission felt unable to reach any firm and authoritative conclusion as to what the law is on this matter. Secondly, it recommended what it thought the law should be, in the following terms:

"We believe that those functions of the RCMP which we have described as "quasi judicial" should not be subject to the direction of the Minister. To be more explicit, in any particular case, the Minister should have no right of direction with respect to the exercise by the RCMP of the powers of investigation, arrest and prosecution. To that extent, and to that extent only, should the English doctrine expounded in Ex parte Blackburn *be made applicable to the RCMP. Even though the Minister should have no power of direction in particular cases in relation to the exercise by the RCMP of these "quasi judicial" functions, the Minister should have the right to be, and should insist on being, informed of any operational matter, even one involving an individual case, if it raises an important question of public policy. In such cases he may give guidance to the Commissioner and express to the Commissioner the government's view of the matter, but he should have no power to give direction to the Commissioner."* (p. 1013)

It must be emphasized that this is a statement of what the Commission recommended that the law ought to be with respect to the RCMP and its relationship with the Federal Solicitor General. It is not a statement of what the law is in any part of Canada.

The "English doctrine expounded in *Ex parte Blackburn*", to which the Commission referred, is a doctrine expounded most

notoriously by Lord Denning in the case of that name in the English Court of Appeal in which he stated that with respect to matters of law enforcement, the police are neither answerable to, nor subject to direction from, anyone save "the law itself". It has come to be referred to as the doctrine of "police independence", and has enjoyed a controversial history and much support (especially from police officers) in recent years, both in the United Kingdom and in Canada. Two recent scholarly examinations of this doctrine in England, while acknowledging its appeal, have both concluded that the doctrine is without historical, constitutional or legal foundation (Marshall, 1965 and Lustgarten, 1986). A similar examination of the doctrine's origins and applicability in Canada not only reached the same conclusions but demonstrated that the doctrine appears to be incompatible with the express language of legislation governing the police in several provinces (Stenning, 1982). A similar conclusion with respect to the province of Quebec was reached by the Court of Appeal in that province in the case of *Bisaillon* v. *Keable and Attorney General of Quebec* ((1980) 17 C.R. (3d) 193).

Despite these refutations of the doctrine's authenticity and applicability in the Canadian context it has continued to find favour with judges in several cases, albeit only in *obiter dicta*. As can be seen from the passage quoted from its report above, a version of the doctrine was also recommended by the McDonald Commission. That Commission's report was in reference to federal jurisdiction, however. We must turn next, therefore, to consider the existing legislation governing the police in Nova Scotia to ascertain what light it throws on this important issue.

The policing legislation of Nova Scotia is more explicit and less ambiguous on this issue than that of any other Canadian jurisdiction. The starting point in analyzing it is Subsection 15(5) of the *Police Act*, which provides that:

"(5) Except when inconsistent with the provisions of this Act, the actual day to day direction of the police force with respect to the enforcement of law and the maintenance of discipline within the force shall rest with the chief officer or person acting for him."

While this provision clearly places the primary responsibility for day to day law enforcement decisions on the police, its opening words equally clearly indicate that the police's responsibility is not exclusive. Other provisions of the Act which would seem to be potentially inconsistent with any exclusive responsibility of the police for such decisions are:

Subsection 13(1), which provides that:

"(1) Every municipality is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force at its expense in accordance with its needs."

Subsection 19(11), which provides that:

"(11) Except when communicating a decision of the board [of police commissioners], no member thereof shall issue or purport to issue any order, direction or instruction to any member of the municipal police force relative to his duties as a member of the force."

Subsection 20(2), which opens with the words:

"(2) Notwithstanding the right of a municipality to direct its own police operations,..."

Subsection 16(1), which provides that:

"(1) Each municipal police force and the chief officer and the officers of each municipal police force are charged with the enforcement of the penal provisions of all the laws of the Province and the municipality and any penal laws in force within the municipality except as otherwise directed by this Act or any other enactment or by the Attorney General."

Section 31, which provides that:

"31 (1) The Attorney General shall notify the chairman of the board [of police commissioners] if there is one, or if none the mayor or warden of the municipality involved either verbally or by writing, if he assumes the direction of police administration within a municipality or removes from a municipal police force the investigation of a crime committed in or in the vicinity of the municipality, and thereafter the members of the police force

(a) shall render to the Attorney General or any member of the provincial police force charged with the investigation or prosecution of the crime all possible assistance and information; and

(b) shall carry out and obey the orders of the Attorney General or member of the provincial police force, as the case may be.

(2) A member of a municipal police force shall, upon the request of the Attorney General, deliver to any person named by the Attorney General all warrants, papers, exhibits, photographs and other information or records in his possession or under his control dealing with any criminal case that is the subject of investigation by the provincial police force."

Subsections 11(2) and 11(4), which provide that:

"(2) The [Nova Scotia Provincial Police] force established under Subsection (1) shall be under the control and direction of the Attorney General who may, with the approval of the Governor in Council, appoint a person to be the chief officer of the Provincial Police.

(4) The Provincial Police, the chief officer and all provincial constables are charged with the enforcement of the penal provisions of all the laws in force in the Province, other than laws of a municipality, except as otherwise directed by the Governor in Council."

In addition to these quite specific provisions of the *Police Act*, the following provisions which appear in almost every by-law establishing a municipal board of police commissioners, must be noted:

"6 (a) The board shall have jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes and Town By-Laws and Ordinances.

(b) The board shall further have jurisdiction over all matters relating to the enforcement of the provincial statutes having local effect and Town By-Laws and Ordinances, but the Council shall have the right to request the enforcement of such statutes or By-Laws as may be required for the proper administration thereof within the town.

(c) Notwithstanding the foregoing, the function of the board on behalf of the Council shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force."

Finally, there are the provisions of the Provincial and Municipal Policing Agreements, which respectively provide as follows:

"3 The member in charge of the Unit shall:

(a) in enforcing By-Laws of the Municipality, act under the lawful direction of the Chief Executive of the Municipality, or such person as may be designated in writing for this purpose by the Chief Executive.

4 (1) The Commanding Officer of the Provincial Police Service shall for the purposes of this agreement act under the direction of the Attorney General in the administration of justice in the Province."

While each of these provisions could be the subject of interpretive discussion as to its exact meaning and implications, taken together they appear to present a strong case against the view that the English doctrine of "police independence" is fully applicable in the Province of Nova Scotia. This is especially so in light of the dictum of the then Chief Justice of the Supreme Court of Canada, speaking for a majority of the Court, in *Re Nicholson and Haldimand-Norfolk Board of Commissioners of Police* ((1979) 88 D.L.R. (3d) 671, at pp. 676-677), that in light of current legislative frameworks created by provincial *Police Acts* and Regulations, the common law or "Crown law...no longer governs the relations of police and boards or municipal councils". (See also the similar conclusion drawn by Turgeon, J.A. with respect to the Province of Quebec (the *Nicholson* case involved interpretation of Ontario legislation) in *Bisaillon* v. *Keable and Attorney General of Quebec* (1980) 17 C.R. (3d) 193, at p. 202.)

While it cannot therefore be categorically stated that the law of Nova Scotia currently permits intervention in particular cases by those charged with responsibility for governance of the police in the province, it can be said that many provisions of the law appear to point towards that conclusion. Certainly there does not appear to be any categorical prohibition against such intervention in Nova Scotia legislation.

It has been noted during discussion of the role of municipal Boards of Police Commissioners that board chairmen whom we interviewed consistently asserted that their boards are not involved in matters of day to day policing or law enforcement. While we obviously have not, in the time available to us, been able to verify whether these assertions accord with the practices of boards and other municipal police governing authorities, they do seem to suggest a wide acceptance, at the level of ideology, of some concept of "police independence" with respect to matters of law enforcement in individual cases.

At the level of the Attorney General and that Department, the Royal Commission, of course, already has had made available to it a substantial body of evidence on this issue. Much of this evidence appears somewhat contradictory with respect to the view taken within the Department, and by successive Attorneys General, as to the legal or policy limits, if any, on intervention by the Attorney General or officials in particular cases. Similar inconsistencies emerged from our own research on this question. On the one hand, the Director (Criminal) in the Attorney General's Department told us that it was the Department's view that, in the case of investigations by the RCMP, the decision to lay a charge is the responsibility of the Force and not that of the Department. Any reports which the Force makes to Departmental officials on such matters are "for information purposes only". The former Deputy Attorney General whom we interviewed, however, told us that in his view, Section 4(1) of the Provincial Policing Agreement (reproduced above) confers on the Attorney General the right to direct the RCMP with respect to the handling of individual cases. While he acknowledged a right in the RCMP to lay charges irrespective of the wishes of the Attorney General, he also said that he felt that the Attorney General has the right to insist on reviewing cases before charges are laid. He added that it would be "surprising" if the police exercised their right to lay charges in the face of opposition from the Attorney General.

In our research we have come across one case in which the Attorney General's Department has clearly acknowledged that it has directed a criminal investigation by the RCMP. The case involved a Dr. Donald Ross MacInnis and resulted in a public inquiry being held in 1979 to investigate allegations by Dr. MacInnis that he had been the target of a campaign of harassment by RCMP officers. (One of the allegations was sustained by the Commissioner, Provincial Judge Leo McIntyre, in his report.) In an interview in 1979, a senior official in the Attorney General's Department confirmed to one of the authors of this report that officials of the Department had "specifically directed [the RCMP] to a specific line of investigation" in the MacInnis case, because they felt that the RCMP were "constantly being side-tracked" in their investigations of the case. During this same interview, this official also expressed his view that the Attorney General does not have a right to stop a police investigation but added that "if we found one which was completely improper we would ask them to stop it."

With respect to the powers of the Attorney General under Section 31 of the *Police Act* (reproduced above), we have been told by our interviewees that the only instance in which they can recall these powers having been exercised was the Marshall case itself when the Attorney General directed the RCMP to take over the investigation

of the case from the Sydney Police Department. The testimony of Mr. Doug Christen, the retired CIB Officer for RCMP 'H' Division, before this Royal Commission makes it clear that the RCMP regarded the directions which the Attorney General gave them in this instance as ones with which they were obliged to comply (see Transcript, pp. 9937-10003).

There remains the testimony of former Attorneys General before the Royal Commission on this issue of the right of an Attorney General to intervene in individual cases. In this connection, it is noteworthy that in his testimony at the public hearings before this Royal Commission, former Attorney General Giffin categorically asserted such a right:

Commission Counsel: *"...if an investigation was being conducted by the RCMP prior to a charge being laid, would you be of the view that the Attorney General had a right to tell the RCMP to not continue with that investigation?"*

Mr. Giffin: *"Yes, I think as the ultimate, as the person ultimately responsible for the administration of justice in the province, that an Attorney General would have that power."*
(Transcript, p.10345)

When asked later by the Chairman of the Commission whether the Attorney General would have "the power to direct the Sydney Police, if he chose to so exercise it, in the area of the enforcement of the law", Mr. Giffin was less definite:

Mr. Giffin: *"My Lord, I think that would flow from the ultimate authority that an Attorney General has with respect to prosecutions in the province. I don't recall ever being faced with that particular situation but it would appear to me that if a municipal police force initiated a prosecution and that the Attorney General was of the view that that prosecution ought not to proceed, that the Attorney General could issue a stay of proceedings. So I think the ultimate authority would be there."*

Commission Counsel: *"And I take it once again from that answer that not only with respect to a stay of proceedings, but would your answer be the same with respect to the municipal police force as it was with the RCMP; that is, that you could request an investigation be stopped?"*

Mr. Giffin: *"That's a very difficult question because, first of all, I never faced that situation that I can recall when I was Attorney*

General. And, secondly, the municipal police forces do have a certain degree of autonomy under the Police Act *and they are answerable at the local level to the local Police Commission that is in place."*

Commission Counsel: *"So with respect to municipal police forces, at least, the power of which you speak arises after the laying of the charge and it's the general power of the Attorney General to enter a stay, that's what you're talking about."*

Mr. Giffin: *"That would generally be my view. That's a difficult area, but that would be my view."* (Transcript, pp. 10347-8)

Like many areas that we have discussed in our report, it appears that the issue of whether or not those who have responsibility for the governance of the police have the right to intervene in individual cases is a rather complex one in which there is an element of ambivalence (or at least uncertainty) with respect both to the applicable law and the perceptions relevant officials have of the practical realities. The obvious public interest in this issue would be well served if some greater clarification could be brought to it.

Part 6
Recruitment

All applicants aspiring to qualify for admission to the RCMP must meet certain base requirements. The formal requirements for admission are: a valid Canadian driver's license, a grade 12 level education, no criminal record and specific medical and vision levels. The applicant is subject to a series of interviews and background checks. In light of the fact that the RCMP is attempting to modernize its member composition, there also appear to be informal requirements. According to recent press and hiring profiles, university graduates, visible minorities, women and bilingual applicants have an edge with regard to hiring ("Halifax Chronicle-Herald", April 12, 1988, p. 3).

The fact that educational requirements and training procedures are determined at the municipal level for MPDs means that there is considerable variability in the educational backgrounds and training experiences of officers in Nova Scotia's MPDs. As the NSPC recently observed, "there is no standard method for recruiting and selecting municipal police officers in Nova Scotia...Some of the methods are comprehensive while others can only be described as *ad hoc*" (Nova Scotia Police Commission, 1985:1). More comprehensive and organized methods are typically utilized by the larger, more urban MPDs. The NSPC has prepared a document on recruitment and training ("Recruiting and Selecting Procedures for Municipal Police Officers in Nova Scotia") which will help to create more uniform standards now that the 1985 amendments to the *Police Act* are finally proclaimed. The NSPC, in recognition of varying conditions across the province, has recommended separate sets of recruitment guidelines for large and small departments. The two proposed "models" are organized around a "gross screen", a "detailed screen", and a "post-selection screen". The gross screen is designed to "weed out those applicants who are totally unacceptable" (Nova Scotia Police Commission, 1985:7). The basic difference between the model procedures for city and other large departments, on the one hand, and smaller departments on the other, concerns the amount of involvement the NSPC will have in these stages. For the larger departments, the relevant model suggests optional NSPC intelligence, psychological, and physiological testing. For the other departments, the NSPC would be involved in advertising, application forms, necessary requirements and various steps in the gross and detailed screens. The 1985 amendments will require that all MPDs have basic minimum qualifications for new recruits. These qualifications include at least Nova Scotia grade 12 education (or its equivalent) and a minimum score on a weighted selection scheme which includes age, height, education, and previous police service (Nova Scotia Police Commission, 1985:2-3, 14). In addition, all officers hired in the province will have to complete the Police

Table 3
Compulsory Training Continuum for Municipal Police Officers in Nova Scotia

				Time Spent Under Training
Recruit Constable Training	Hiring and local orientation	In-Service	Immediately after appointment as a Recruit Constable	Variable from 1 day to several weeks
	Recruit Part A	Atlantic Police Academy	As soon as practicable after completion of local orientation	10 weeks
	Local Procedures	In-Service	Immediately prior to field training	37 weeks on-the-job
	Field Training	In-Service	Immediately following local procedures	37 weeks on-the-job
	Recruit Part B	Atlantic Police Academy	Successfully completed within 12 months of first appointment	5 weeks
Constables Refresher Course	Refresher Training	Atlantic Police Academy	Five Years after successful completion of recruit course and every five years thereafter	Not Yet Determined
Specialist Training	Special Training	Canadian Police College or other training facility	Specialist Identification, Traffic, etc. Special-Investigation, Juvenile and Youth, etc. Full list is not yet developed. Soon as possible after assignment	Variable
Junior Supervisory Training	Pre-Course Training Package	In-Service	Prior to or immediately upon appointment as supervisor. Training program provided through police commission or police academy.	Not Yet Determined
	Basic	Atlantic Police Academy	Prior to or within 6 months of appointment as supervisor.	
Purpose	To prepare a Constable for his first supervisory rank (usually Municipal Police Constable to Sergeant or to Corporal)			
Intermediate Supervisory Training	Pre-Course Training Package	In-Service	Prior to or immediately upon appointment as supervisor. Training program provided through police commission or police academy.	Not Yet Determined
	Basic	Atlantic Police Academy	Prior to or within 6 months of appointment as Supervisor	
Purpose	To prepare a junior supervisor for his next level of responsibility (usually Sergeant or Staff Sergeant to Inspector).			
Senior Police Administration Course and Executive Development Course	Pre-Course Training Package	In-Service	Prior to or immediately upon appointment as Senior Officer. Training program provided through Canadian Police College.	
	Basic	Canadian Police College	Usually Inspector rank and above. Prior to or as soon as practicable after appointment.	Spac - 5 weeks Edc - 8 weeks

Technology (Recruit) Course at the Atlantic Police Academy (or its equivalent) satisfactorily, or will need to have served at least five years as a regular member of another police force. The 1985 amendments also set out a compulsory training program for officers with more than ten years left to serve until retirement, and provides for substantial financial support from the Provincial Government for compulsory recruit and officer training. (The organizational scheme for this training program is given in Table 3.)

The great majority of MPDs in Nova Scotia have moved towards requiring a grade 12 education for new recruits.[39] They also expect graduation from the Atlantic Police Academy (or a similar police training institution) or previous police experience. When previous police experience is accepted as an equivalent to formal training, a minimum of three years of such experience is typically the rule. However, the shift to these standards is something which has occurred relatively recently, particularly in the smaller MPDs. There are several small Departments which are still trying to persuade their Boards of Police Commissioners to adopt such requirements. The two major factors usually cited to explain difficulties with the quality of recruits (when they are encountered) are the relatively low salaries offered by some smaller municipalities, and

occasional political interference in the recruitment process by local government officials. Political interference is also more likely in small, rural municipalities, and it is a continuing dimension of hiring considerations in some areas.

The limited material available on minority recruitment in Canadian police forces indicates that visible minorities are underrepresented on police forces by comparison to their presence in local labour markets. Jain (1987:2-3) reports that visible minorities now constitute approximately seven percent of the total Canadian population and greater than 4.5 percent of the labour force, but no more than three percent, and most frequently less than one percent, of the major urban and provincial police forces in Canada.[40] Although most of the large, urban police forces in Canada do recruit through advertising and high schools, walk-ins are still the single most successful method of recruitment. In conjunction with employee referrals, walk-ins tend to be generated by the personal communication networks of police officers. Although they are inexpensive forms of recruitment, these passive practices can lead to replication of the existing racial composition of these forces. Jain (1987:6-9) recommends that more police forces begin using the outreach procedures (have visible minority officers involved in recruitment, build up contacts with minority communities to facilitate recruitment) to break down negative perceptions of the police and increase visible minority recruitment. He also proposes that police eliminate discriminatory criteria (especially height requirements) from hiring standards.[41] In addition, Jain argues that the importance of selection interviews should be diminished because they are not good predictors of subsequent job performance. Insofar as interviews are necessary, they should be carefully structured and evaluated (Jain, 1987:13-16).[42]

Two aspects of current MPD practices and policies have major implications for the recruitment of visible minorities. First, most MPDs tend to rely exclusively on recruitment procedures which reinforce the existing racial composition of the MPDs.[43] There are a few Departments which have begun to approach minority leaders and communities to try and encourage minority applicants. Although they report some success with Black recruitment, visible minority groups which have arrived more recently still have quite negative attitudes towards the police, brought with them from their countries of origin.[44] In addition, one Chief argues that minority group members who meet recruitment standards typically have more attractive employment alternatives and were not interested in police work as a career.[45] Second, there is a widespread assumption that potential recruits from minority groups must meet all entrance requests normally imposed on new recruits. For example, one MPD,

39. The larger urban departments report that although they have a grade 12 minimum, the majority of the recruits now have partial or complete university education. 6.8 percent of the Halifax members and 8.5 percent of the Dartmouth members had a university degree on joining their Departments, by comparison to 2.6 percent of those in other MPDs.

40. The only forces with greater than one percent visible minority representation in 1987 are Metropolitan Toronto (3.0 percent), Vancouver (2.3 percent) and Halifax (1.9 percent). Halifax, with five visible minority members out of 268 officers, does the best job of the large forces surveyed. The respective proportions of visible minorities in the labour force for Toronto, Vancouver, and Halifax are 12.1 percent, 12.6 percent, and 3.1 percent (Jain, 1987:3a). It should also be noted that the Dartmouth Department, which was not included in the Jain study, has four Black members, and would rank very high in such comparisons.

41. If for no other reason, the potential for legal challenge under human rights legislation suggests the need to scrutinize requirements for factors which may have "a disproportionate effect on minority group applicants" (Jain, 1987:10). In this regard, the height requirement in Nova Scotia's new weighted selection standards may need to be reconsidered. Several MPDs report that they do modify this standard for female candidates. In a more general way, one should also recognize that debates about height and weight requirements may involve very different perspectives on the function of policing. Those who prefer retention of such standards are not infrequently advocates of a traditional style of policing for which such standards make considerable sense.

42. The Greater Toronto Region Working Group on Policing in Multicultural, Multiracial Urban Communities (1986:17-33) gives a detailed evaluation of 13 different selection procedures, ranging from applications through interviews, and provides thoughtful recommendations to deal with potential sources of discrimination in recruitment.

43. The data available to us indicate that there are 11 Blacks, one native Indian, and six women serving as members of the province's MPDs. The RCMP has 55 women and one native Indian as regular members in Nova Scotia.

44. One individual suggested that they may have to focus on second-generation recruitment to have any hope of success.

45. It has also been maintained that the universalistic phrasing of union agreements makes it difficult to assign police who are themselves members of minority groups to areas where minority groups are concentrated.

when discussing policies concerning the recruitment of visible minority members or women, states that "all persons are treated equally". A second MPD, says that if "members of these groups are qualified, they are accepted", and a third states they are "no different than anyone else, the most qualified would be hired". It has also been argued that affirmative action guidelines create particular difficulties for police work. It is one matter to have an incompetent filing clerk, but "it's another thing when you're dealing with people's lives on the streets". The NSPC reflects this understanding when it states, "The sometimes policy of reducing entrance standards so that candidates of various ethnic groups may qualify must be resisted" (Nova Scotia Police Commission, 1985:4).[46]

46. Another individual comments that Black officers who have proven incapable of doing competent police work have been treated with more concern in dismissal proceedings than comparable White officers.

Part 7
Training

Ordinary recruit training for the RCMP consists of a 26-week basic training course at the Training Academy (Depot Division) in Regina. The course covers the law, operational training, identification, firearms, physical training, crisis intervention and cross-cultural issues.[47] Regular candidates spend the remainder of their one-year induction period doing everyday police duties in detachments under the supervision of a detachment trainer. Individuals who are training as special constables (Native policing) go through a 32-day basic training period for all special constables, and spend an average of 17 weeks completing training which is specific to their roles. In the last ten years, the training emphasis has shifted somewhat from a physical to academic one. The atmosphere at Depot is also reported to be more relaxed as there has been a demilitarization of training components. This change has been attributed to the inclusion of female recruits at Depot.

Aside from the specified training objectives, the obvious mandate of the Training Academy is to serve as a bonding experience for the recruits. One of the key determinants of the bonding process is sharing a common experience. RCMP recruits attend the Regina facility regardless of their ethnic, economic, geographic and/or linguistic backgrounds. The Academy creates a cultural milieu with which all RCMP officers identify. Every hour of a recruit's daily routine at Depot is regimented. The physical aspect of the training is demanding. Discipline is intense and exacerbated through regimentation. Regulations are strictly enforced. While not always pleasant, discipline is a key factor in the development of a collective identity. The recruits are encouraged to think of themselves in terms of 'the troop' and later as 'the force'. This ideal is reinforced as a result of their close identification as a troop of 32 people. The troop travels together throughout their term at Depot. When one recruit is remiss with regard to some aspect of the routine (*i.e.*, being late) the entire troop is held accountable. This encourages the recruits to cooperate, work as a team, and take care of each other.

Of the 150 sworn RCMP members who filled out our information sheet,[48] 66.0 percent spent most of their youth in the Atlantic region.[49] 25.7 percent are from Nova Scotia, 25.9 percent from New Brunswick, 10.8 percent from Newfoundland, and 3.6 percent from Prince Edward Island. Members have a mean education level of 12.7 years, with those 37 years of age and over averaging 12.2 years, and those 36 and under averaging 13.1 years. The mean age of the members is 35.1 years, with only one person over 50 years of age, and none over 55 years. The median salary is $40,007. Members spent a mean of 4.3 years in their first position, with 79.3 percent starting in patrol work, and 14.7 percent as specialists (technical services, identification, drugs, joint forces, dogs, and the like).[50]

47. RCMP recruit training in investigative matters deals with the same areas as that given by the Atlantic Police Academy, but it does include additional work in the field of police service dogs.

48. This analysis is based on data collated from the Officer Information Sheets distributed to all RCMP and MPD members (Appendix 15.5).

49. This was not a particularly high proportion of the total possible responses (21.9 percent), and a great deal of confidence should not be placed in these results. The RCMP experience, as one would anticipate, provides more uniform education and training experiences. In addition, we appear to have good distribution by geographic location and rank in these data.

50. As one might expect, several of the individuals who began their work careers as specialists did so outside of Nova Scotia.

The most common second positions, which last a mean of 3.1 years, were in traffic (36.7 percent) and patrol (28.9 percent). Investigative work becomes more common as a third position, with 33.4 percent of these positions being in investigation. Sworn RCMP officers have a median of 11.5 in-service courses. 'H' Division spent $149,835 during the 1986-87 fiscal year for outlay costs for training. These costs primarily involve transportation and personal maintenance expenses for instructors and personnel from within the Force. This expenditure does not include the cost of four full time training staff, equipment or training facilities. Training section expenses for this same fiscal period amounted to $236,257.[51] Training is provided to personnel from MPDs and government agencies such as Lands and Forests. The training courses are provided within the Division, at Headquarters, Ottawa, the Canadian Police College at Ottawa and also at non-government agencies.

Through the Canadian Police College, the RCMP provides the widest and most intensive range of in-service courses available in Canada. The College, which is located in Ottawa, began in the late 1930s as a course designed for advanced study in law and associated police regulations. Its curriculum has expanded considerably, particularly in the areas of organization and management. While originally restricted to senior constables and NCOs in the RCMP, the College has gradually expanded to include students from the other police groups across Canada (and from abroad). The two courses which have proven most attractive to Nova Scotia's MPDs are the courses on Senior Police Administration and Executive Development. The former course is a five-week study of contemporary issues in modern management for senior NCOs or junior officers who are assuming supervisory or managerial positions. The executive development course is an eight-week examination of major areas of police management (technology, personnel, programmes, fitness, and the social environment). It is restricted to police chiefs (from forces of 15 to 40 members), and officers at the rank of inspector or better in larger units.[52] The College also offers the most comprehensive training available for investigative work in the area of serious crimes. Their courses in this area include: advanced identification, advanced vehicle theft investigation, computer crime, criminal intelligence, drug investigation, fingerprint classification, intelligence analysis, and major crime investigation.

The Atlantic Police Academy in Charlottetown, Prince Edward Island, is the major institution through which MPDs in Nova Scotia train new recruits and to which they now turn for additional training. The Academy has a mandate to provide basic recruit training, in-force training, and any other relevant programmes. The Academy has

51. If one uses these two figures as a conservative estimate of total training expenses, then training expenses would account for 0.93 percent of total budget. This figure compares favourably with the MPD estimates discussed below (pp. 109 ff.).

52. We have data on training for 16 of the 25 MPD Chiefs. Two of the six Chiefs in MPDs with more than 15 members have taken both the executive development and senior police administration courses, two have the senior police administration course only, and the remaining two have the executive development course. Three of the other ten Chiefs from smaller MPDs have the senior police administration course, and a fourth has the executive development course.

an advisory council with representatives from each of the Atlantic Provinces to provide input on program content, and an executive committee and financial review group which primarily focus on financial affairs. The Academy has a nine-person education staff, all but one of whom are sworn officers.[53] Most of the staff formerly served with the RCMP; the Academy has found it easier to recruit instructors from the RCMP due to its more generous retirement provisions. The regular staff do some in-service courses, but most of these courses are given by external resource people. The Academy has over 100 such individuals on whom it calls for assistance with in-service courses.

In addition to standard recruitment criteria (Canadian citizen, no criminal record, good physical condition, driver's license), potential cadets must have a specified combination of education and age characteristics (a GED 12 and 24 years of age as one minimum combination for entry). They must also pass a series of psychological, intelligence, aptitude and occupationally-based physical tests, each of which has a minimum score cut-off. In addition the cadet must submit a written essay for evaluation, and must pass an oral interview. The Academy has 5000 to 6000 applications per year, 1500 to 2000 of which are sent directly to the Academy. The Academy typically has 60 to 70 seats available for the 150 to 300 individuals who qualify for entry. (Nova Scotia had 31 of the 77 seats in 1988.) Approximately five to ten percent drop out or are asked to leave each year. Most of the attrition occurs in the first four weeks of the program when some students decide they have made the wrong career choice.

Students may be nominated by specific departments which are guaranteeing them employment on successful completion of the course, or may enter through direct application. Some MPDs, like Halifax and Dartmouth, do their own screening (which ensures candidates meet APA standards), or MPDs may ask the Academy to test potential employees for them. Approximately two-thirds of this year's Nova Scotia candidates have employment guarantees.[54] Students pay $2,050 for fees and $155 per week for accommodation and meals. In addition, provincial governments pay a per diem which is expected to fall between $80 to $85 this year.[55] The Canadian Employment and Immigration Centre and the Secretary of State have provided support for some qualified visible minority candidates this year. There are five Black male cadets whose per diem and tuition costs are being carried by these agencies. One-half of their uniform costs ($400) are also paid for, and the cadets will also receive a training allowance (or unemployment insurance equivalent). These minority cadets have passed qualification assessments carried out by the Academy itself.[56]

53. The Academy believes staff should lead by example, and should be qualified to have access to restricted materials and programmes.

54. The Academy reports it has no difficulty placing its graduates for permanent employment. Smaller MPDs find it advantageous to have some graduates who are potentially recruitable because they cannot afford extended vacancies.

55. By contract, New Brunswick and Nova Scotia each have 34 percent of the training places and costs, while Newfoundland has 25 percent and Prince Edward Island has seven percent.

56. Newfoundland's Conne River Band is providing financial support for two Micmac students.

The Academy, which opened in 1971, now has one class entering at the end of January each year. The overall 40-week program consists of 25 weeks at the Academy and 15 weeks of on-the-job training with an accredited police force in Atlantic Canada. The 25 weeks spent at the Academy are divided into two segments, with students spending an initial 17-week period from the end of January to the end of May in residence at the Academy. Following their summer field training (which must take place under the control of a formally-qualified field instructor) the cadets return for a final eight week period at the Academy after Labour Day to the beginning of November.

The cadet program is organized around academic and physical training. The academic component focuses on human relations, criminal law, criminal investigation, identification, and traffic. The physical component deals with firearms, drill, physical fitness, and self-defense. The academic dimension of the program now places considerably more emphasis on human relations than it did at the commencement of the program. This change reflects a transition from enforcement to services in the police workload. Grant (1982:5) reports that the initial allocation of time was 88 periods for traffic, 63 for criminal law, 53 for criminal investigation and identification, and 51 for human relations. At the time of Grant's study in the early 1980s, the respective credits for these topics were 50, 63, 53, and 61. By contrast, the current distribution is 68 periods for human relations, 37 for the *Criminal Code*, and 22 periods each for traffic and criminal investigation and identification.[57] The units in the curriculum most relevant to criminal investigation include: criminal investigation (14 periods), traffic accident investigation (ten periods), identification (eight periods), CPIC (six periods), drugs (six periods), interrogation/interviewing (four periods), bomb threats (two periods), Canadian Security Service (two periods), memory and observation (two periods), informants (one period), and notebooks (one period). In his 1982 evaluation, Grant found that students gave a "very positive response" to the criminal investigation and identification instruction, while respondents in their first year of service after graduating from the Academy rated investigation and identification as being "well done" (1982: 6, 9). Neither the chiefs participating in Grant's study, nor Grant himself, found any noticeable problems with the investigation curriculum (1982: 18-22, 64-66, 113, 115).

Unlike the RCMP, the Atlantic Police Academy does not have a separate unit of training devoted to cross-cultural matters, but it does deal with these issues in the context of its human relations training. However, the Academy does offer an in-service course in multiculturalism.[58] In particular, the Secretary of State is currently funding a multicultural training course which brings police officers

57. Periods are 80 minutes in duration. Twelve students from New Brunswick receive their instruction in French.

58. The Canadian Police College also provides a two-week course for individuals interested in becoming multicultural trainers in their own organizations.

together with the members of visible minority groups to discuss common concerns. The Academy views itself as facilitating initial contact and interaction which the respective groups may then build upon.[59]

The Academy also offers other courses of varying lengths for individuals who are currently members of MPDs. They include drugs, general police science, and advanced police science. The police science courses, particularly the advanced one, deal with investigative techniques for more serious crimes.

There are also relevant programmes available to advance police education at the University College of Cape Breton and Saint Mary's University. The Continuing Education Division at the University College of Cape Breton offers a certificate program in the areas of communications, criminology, and law. The courses are designed to improve the general educational and communications skills necessary to make police more socially effective, particularly in family and interpersonal conflict. Saint Mary's University has a certificate program in Criminology which is offered by the Department of Sociology in cooperation with the Continuing Education Division. The program consists of six regular-credit courses (corrections, criminal law, criminology, community relations, interpersonal relations, and the judicial system) which are offered for predominantly mature students employed in the criminal justice system. The courses are offered during evenings, and are transferable to regular degree studies. Dalhousie University is in the process of implementing a certificate program in "Liberal Studies for Police Officers". The program is designed, as the title suggests, to produce "a more liberally-educated, better-trained police force" through a combination of five credits in relevant disciplines and approximately ten weeks of coursework at the Atlantic Police Academy (Frick, 1988). It is expected the program may have about 40 students drawn from the Halifax-Dartmouth area within the next three years.[60]

Over 88 percent of the 658 MPD members who answered our short survey[61] spent most of their youth to age 16 in Nova Scotia. The mean age is 37.7 years, and 89 of these members are over 50 years of age. Twenty-four are over 55 years old. There are 11 Blacks, one Native Indian, and six women employed as sworn members. Members of Nova Scotia's MPD's have a mean education level of 12.2 years. The Dartmouth mean is 12.5 years, Halifax is 12.3 years, and the other MPDs have a 12.1 mean. Members over 37 years of age have a mean of 11.5 years of education, while those 36 and under have 13.0 years.[62] The median salary for all MPD members is $34,000. The median is $35,907 for Dartmouth, $35,600 for Halifax, and $30,816 for all other MPDs. The typical MPD member spends a mean of 7.9 years in their first position, with over 94 percent of these

59. See the "New Glasgow Evening News" (January 15, 1988) for an account of a multicultural seminar which involved the New Glasgow and Trenton Police Departments, the Stellarton RCMP, members of the local Black and Micmac communities, as well as Inspector Jim Clarke, a human relations instructor from the Academy.

60. There is a considerable amount of in-house training now occurring. A good majority of the MPDs report some forms of activity, ranging from the use of training tapes to seminars with prosecutors and judges. The more advanced small MPDs have formally allocated space for VCR equipment and library holdings. On-the-job training has also progressed to the point that the majority of MPDs now have extended supervision and evaluation of new recruits. Again, it is the small Departments which lack the resources to do this. As one Chief of a small Department put it, the last recruit (an APA graduate) "received one week of initial break-in. Because of the size of the Department, there is no time for in-depth service".

61. This analysis is based on data collected from the Officer Information Sheets distributed to all RCMP and MPD members (Appendix 15.5).

62. Education is the best single social-structural predictor of more liberal attitudes on civil liberties and race issues.

members doing patrol work in their first position. Individuals move into a variety of positions thereafter, with investigative, traffic, and clerical jobs being the most frequent. Investigative work is the most likely second position, with 39.1 percent moving into investigation. This profile indicates that Nova Scotia's MPD members have average education which is somewhat lower than national averages. (The Charter Project (described in Appendix 17) police mean is 13.8 years of education.) Younger members are better educated in terms of formal education. Members of MPDs outside the Halifax-Dartmouth area have somewhat lower levels of education. The profile data we have from both the RCMP and the MPD members is summarized in Table 4.

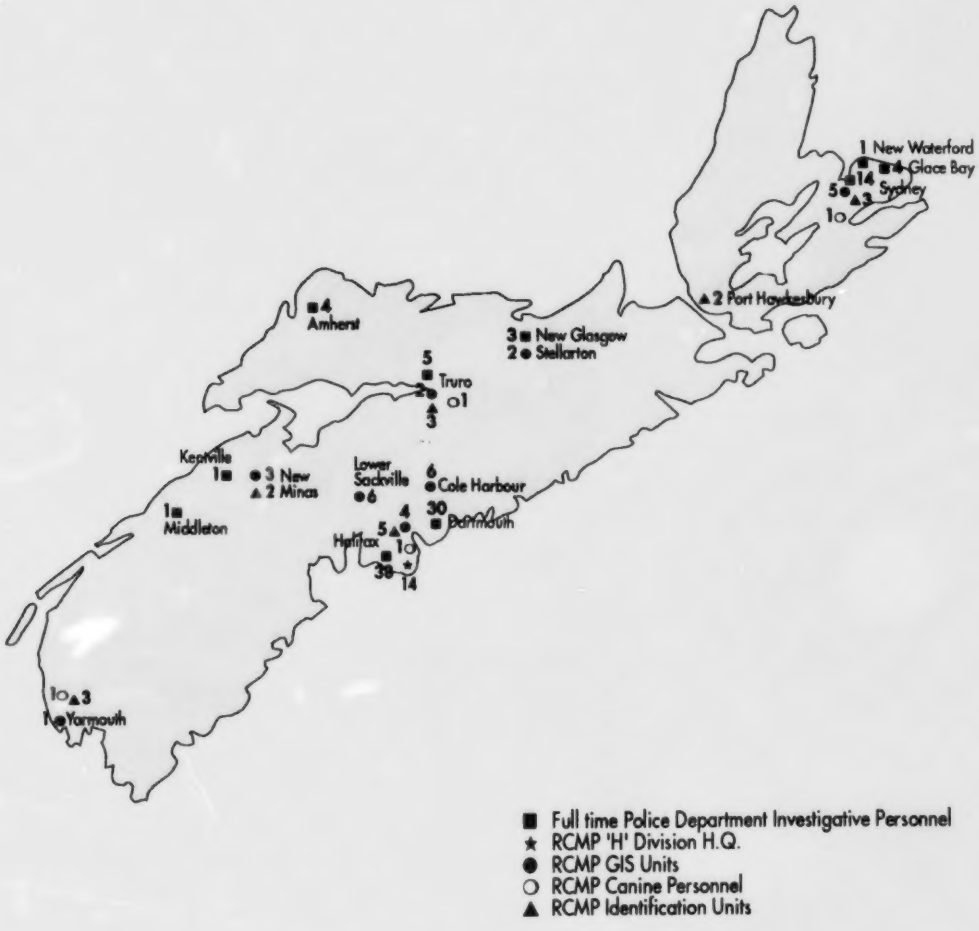
Table 4
Comparison of RCMP and MPD Samples on Demographic, Education and Training Characteristics

	RCMP Sample	MPD Sample
Proportion Who Spent Most Of Their Youth (to Age 16) in Nova Scotia	25.7%	88.3
Mean Age (Years)	35.1	37.7
Proportion Over 50 Years of Age	0.1%	13.5%
Proportion Over 55 Years of Age	0.0%	3.7%
Median In-Service Courses	11.5	6.3
Mean Education Level (in years)	12.7	12.2
Median Basic Salary	$40,007	$34,000
Number of People Sampled	(150)	(658)

MPD members have a median of 6.3 in-service courses. The widespread use of outside training facilities to upgrade the skills of current members is something which has only emerged in the last decade. For example, one of the more progressive small MPDs (less than 15 members) reports that its members took 17 outside courses in the period from 1971 to 1979, and 98 in the years from 1980 to 1987. In 1987, Nova Scotia's MPDs spent 0.52 percent of their total budgets on training ($198,532 out of $37,993,219). There is considerable variation in the proportion of MPD budgets which are devoted to training. In 1987, these proportions range from zero percent (one MPD) to 1.44 percent (Hantsport). There is no tendency for larger MPDs to spend higher percentages of their budgets on training.[63] As might be expected, the Atlantic Police Academy is the single most frequently used institution for in-service training, with 29.5 percent of all outside courses in the last three years being taken there. The Canadian Police College accounted for 18.7 percent of the total and the remainder were taken at a wide variety of places. The use of these courses has been facilitated by cost-sharing arrangements which encourage participation. Nova Scotia MPDs report they normally only pay for travel and meals at the Atlantic Police Academy, and only for meals at the Canadian Police College. Additional costs are covered by the provincial and federal governments, respectively. However, the major expenses, and organizational difficulties, for some MPDs, particularly the smaller ones, are associated with replacing members who are away taking courses.

63. Again, we are dealing with data available for only one year, and there is evidence to suggest that these estimates are unstable ones.

Map 2
Nova Scotia: Distribution of Provincial Investigative Capacity



64. One Chief commented that he sometimes uses training courses for motivation or as rewards. Another Chief pointed out that his Department faced a real dilemma in the late 1970s when they began to emphasize upgrading courses. Many of the senior men, who had never had the opportunity to take outside courses, wanted to do so. At the same time, an evaluation of Departmental needs sometimes suggested that sending junior members might be to the long-term benefit of the Department. In this case, some preference was given to a senior person if the training was directly relevant to their work area.

Individuals are selected to attend outside courses using a multiplicity of criteria. The major considerations are Departmental needs, officer interest and ability, course availability and budgetary constraints. Five MPDs mentioned that seniority also plays a role in deciding who will take particular courses.[64] Not many of the in-service courses are used for multicultural training. Only four MPDs report having members who have taken courses which deal specifically with multicultural issues in the last three years. The courses include the Atlantic Police Academy's course in multicultural training, the Canadian Police College's multicultural

trainers course, and a one day Human Rights Commission seminar.

MPDs are also moving fairly vigorously in some areas to upgrade their investigative skills. In the past three years, members of Nova Scotia's MPDs outside of the Halifax MPD have taken over 148 in-service courses in criminal investigation.[65] Sixty-three percent of these courses were in the fields of investigation, interrogation, and identification. Thirty-seven of these courses were in investigative techniques, and a further 14 in advanced police science. There were an additional 29 courses taken in interrogation and 12 in identification. The other two areas which attracted major interest were drug enforcement, with 21 courses, and arson, with 19 courses. Specialist courses in fraud, theft, gambling, and dogs, attracted less interest, with four, four, three, and one courses, respectively.[66] These courses were quite broadly distributed among the members of the MPDs involved. The concentration on general and advanced investigative techniques, interrogation, and identification suggests that the choice of courses is generally appropriate to the needs of the MPDs involved.[67] Almost 44 percent of all courses were taken by individuals from MPDs which do not have full time investigative personnel. Given the fact that the MPDs which do not have full time investigators account for only 29.8 percent of the total MPD members outside the Halifax Department, there is good reason to believe that some of the smaller MPDs have been utilizing such coursework to upgrade their general skills.

65. We are missing data for one moderate-sized MPD. Halifax reports that all members of the Department have received a course in case management and preliminary investigation. All general investigation squads in patrol operations have attended a general investigation course covering the following areas: arson, child abuse, criminal statement-taking, fraud, and sexual assault.

66. There were two other courses in traffic investigation, and two were not clearly described.

67. Nine of the 12 specialist courses were taken by individuals from Departments with full time investigators. The three other courses were taken by members of one of the most progressive smaller Departments in the province. This analysis is not intended to imply that mismatches do not occur. For example, there does not seem to be much sense in having a member of an MPD with fewer than ten members take an advanced fingerprint course (Henry Fingerprint Classification Course) at the Canadian Police College. Nevertheless, this has happened in the recent past.

Part 8
The Investigation of Serious Crimes[68]

68. It should be emphasized that this discussion is not based on primary research on investigative work. In addition to the thorny practical and legal problems which affect access to investigative activity (Ericson, 1981:34, 38, 40), the time which would be required to do an adequate study of the "recipe (practical) rules of the occupational culture" (Ericson, 1981:10) is well beyond the scope of this study.

69. It should be noted that these data apply to calendar year 1987, and undoubtedly contain some errors due to the less-than-complete responses for the Officer Information Sheets.

The general distribution of investigative capacity in the province, which is described in the first part of this report, is summarized in Table 5.[69] We have arranged the MPDs to parallel vertically the RCMP personnel with whom they are most likely to interact. The specific internal division of investigative work which exists in Dartmouth, Halifax, and Sydney is described above. The Amherst, Glace Bay, New Glasgow, and Truro MPDs have distinct investigative units, and three of the smaller MPDs indicate that they have single members who do predominantly or exclusively investigative work. Various MPDs which have no full time personnel assigned to investigative work do have individuals who have part time responsibilities in this area. Such individuals are frequently the ones with the most investigative training in their MPDs. In these cases, Chiefs or Deputy Chiefs will typically be involved in a supervisory capacity in investigative work.

Table 5
Distribution of Provincial Investigative Capacity*

A. RCMP 'H' Division — Officer in Charge = 1; Commercial Crime = 6; Polygraph = 2; CIB Readers = 5

	Yarmouth Subdivision		Halifax Subdivision		Truro Subdivision		Sydney Subdivision	
Subdivision GIS		1		4		2		3
Other GIS			Cole Harbour	6	Stellarton	2	Sydney	2
			Lower Sackville	6				
			New Minas	3				
Subdivision Identification				5		3		3
Other Identification	Yarmouth	3	New Minas	2			Port Hawkesbury	2
Subdivision Canine		1		1		1		1

B. MPDs/Full Time Investigative Personnel

Annapolis-Royal	0	Amherst	4	Hantsport	0	Dominion	0
Middleton	1	Bedford	0	New Glasgow	3	Glace Bay	4
		Berwick	0	Springhill	0	Louisburg	0
		Bridgewater	0	Stellarton	0	New Waterford	1
		Dartmouth	30	Trenton	0	North Sydney	0
		Halifax	38	Truro	5	Sydney	14
		Kentville	1	Westville	0	Sydney Mines	0
		Lunenburg	0				
		Mahone Bay	0				
		Wolfville	0				

* Hantsport and Springhill both have individuals with approximately half-time investigative responsibilities.

Table 6 (on following page) presents the distribution of major *Criminal Code* and drug violations for the four geographic areas (which correspond to RCMP Subdivisions) of Nova Scotia for the years 1984 through 1986. Table 6 indicates the actual number of offences which occurred during the three-year time period and the rate per 100,000 population. The only specific variations of note are the relatively higher property crime (breaking and entering, theft) rates in the Halifax area, and the relatively higher rate of drug offences in the Yarmouth area.[70] Table 7 (page115) summarizes the patterns from Tables 5 and 6. The first two rows of Table 7 indicate, as one might expect, that the Yarmouth and Truro areas have relatively fewer full time investigators because they contain small MPDs and RCMP Detachments with a less developed division of labour. The Sydney area, with the industrial concentration around Sydney, has a proportionate number of full time investigators, while the Halifax area has a higher relative proportion of full time investigators. In a

70. This contrast occurs at the level of possession, not trafficking. The Halifax area reports higher relative trafficking charges, particularly for cocaine.

parallel fashion, the Yarmouth and Truro areas are somewhat under-represented in terms of the number of full time investigators they have to deal with various types of *Criminal Code* violations, as well as the total volume of *Criminal Code* violations. Again, the Sydney area has full time investigators in proportion to various types of crime, while the Halifax area has both relatively more of the overall *Criminal Code* offences and more of the full time investigators. On the whole, however, the differences between the distribution of investigative personnel and of serious crime are reasonably small. Further, the variations which do exist can be explained in good part by the different sizes of police units involved as the larger ones are more likely to have full time investigative personnel.

Table 6
Police-Reported Crime[1] by General Offence Category for Four Areas[2] in Nova Scotia in 1984 to 1986[3]

	Yarmouth Subdivision		Halifax Subdivision		Truro Subdivision		Sydney Subdivision	
	Actual Offenses	Rate Per100,000 Population	Actual Offenses	Rate Per 100,000 Population	Actual Offenses	Rate Per 100,000 Population	Actual Offenses	Rate Per 100,000 Population
Homicide	7	7	27	6	14	9	8	5
Attempted Murder	7	7	13	3	7	4	5	3
Aggravated Sexual Assault/ Sexual Assault with Weapon	13	13	68	16	13	8	11	7
Sexual Assault/ Other Sexual Offenses	199	193	1,074	247	242	147	206	123
Assault	1,581	1,545	6,591	1,518	2,304	1,399	2,500	1,488
Abduction	4	4	56	13	26	16	11	7
Robbery	18	18	745	172	46	28	63	38
Crimes of Violence Total	**1,829**	**1,787**	**8,574**	**1,975**	**2,652**	**1,611**	**2,804**	**1,671**
Breaking and Entering	2,014	1,953	14,816	3,413	3,741	2,272	3,695	2,200
Theft - Motor Vehicles	323	313	2,654	611	676	411	882	525
Theft - Over and Under $1000	4,427	4,292	46,122	10,624	8,933	5,425	11,452	6,818
Have Stolen Goods	128	124	512	118	170	103	255	152
Fraud	776	752	8,516	1,962	1,386	842	966	575
Property Crimes Total	**7,668**	**7,434**	**72,620**	**16,728**	**14,906**	**9,053**	**17,250**	**10,270**
Prostitution	1	1	141	33	0	0	1	1
Gaming and Betting	14	14	19	4	15	9	15	9
Offensive Weapons	212	206	685	158	193	117	145	86
Other Criminal Code Offenses[4]	7,012	6,798	30,418	7,007	11,483	6,973	12,516	7,451
Other Crimes Total	**7,239**	**7,019**	**31,263**	**7,202**	**11,691**	**7,099**	**12,677**	**7,547**
Criminal Code Total	**16,736**	**16,240**	**112,457**	**25,905**	**29,249**	**17,763**	**32,731**	**19,488**
Heroin	0	0	2	0	0	0	1	1
Cocaine	74	72	104	24	5	3	4	2
Other Drugs	8	8	66	15	59	36	24	14
Cannabis	1,090	1,057	2,105	485	846	514	748	445
Controlled Drugs (Trafficking)	4	4	14	3	3	2	4	2
Restricted Drugs	31	30	132	30	44	27	50	30
Drugs - Total	**1,207**	**1,171**	**2,423**	**557**	**957**	**582**	**831**	**494**

1. These data were provided by the Canadian Centre for Justice Statistics. The rates per 100,000 population are calculated with the population data from Table 1 because the Canadian Centre for Justice Statistics does not have population data for separate RCMP detachments under provincial contract. As a consequence, data can be compared across subregions of the province, but not with published Statistics Canada data.
2. For purposes of geographic display, we have grouped this data to parallel the four areas set out in Table 4.
3. We decided to aggregate the data over three years to try and produce more stable estimates. The last year for which final data is available is 1986.
4. This category includes offenses ranging from arson and kidnapping to bail violations, disturbing the peace, property damage, and trespass at night.

Table 7
Distribution of Full Time Investigative Personnel and Police-Reported Crime (1984 - 1986)

	Yarmouth Subdivision	Halifax Subdivision	Truro Subdivision	Sydney Subdivision	
Population[1]	11.9%	49.9	18.9	19.3	(869,912)
Full time Investigators[2]	3.3%	66.2	10.6	19.9	(151)
Crimes of Violence	10.7%	50.4	22.4	16.5	(17,023)
Property Crimes	6.8%	64.6	13.3	15.3	(112,444)
Other Crimes	11.5%	49.7	18.6	20.2	(62,870)
Total Criminal Code	**8.8%**	**58.8**	**15.3**	**17.1**	**(191,173)**

1. These proportions are calculated with the population data from Table 1 because the Canadian Centre for Justice Statistics does not have population data for separate RCMP detachments under provincial contract.
2. These figures exclude the 14 RCMP investigators attached to 'H' Division Headquarters.
( ) - Represents number of people.

The RCMP and MPD members involved in investigative work have profiles which indicate, except for the training area, differences comparable to the general differences described in the previous chapter.[71] The general age and income differences among the members remain much the same. Overall, RCMP members tend to be younger (by 2.6 years) and are paid more (by $6,007 on medians), while RCMP investigative staff are 2.3 years younger than their MPD counterparts, and are paid $6000 per year more (on medians). None of the RCMP members in investigative work is over 50 years of age, while 12 percent of the MPD members are. However, MPD investigators have slightly more in-service courses (15.7 versus 15.2) than the RCMP investigators. As one might expect from their work roles, the RCMP members have relatively more specialist courses (advanced identification, forensic pathology) among their recent training.[72] The contrast is more marked when one compares the RCMP with MPDs outside the Halifax-Dartmouth metropolitan area, with smaller MPDs tending to take more general courses in investigation (often advanced investigation) and interrogation. The three most frequently reported courses in the RCMP are drugs, preliminary and advanced identification, whereas advanced investigation, drugs, and arson are the most frequent among MPDs.[73] Most of the investigative courses taken by RCMP members are presented by the Canadian Police College or various RCMP Divisions. Over 30 percent of the investigative courses reported by MPD investigators were taken at the Canadian Police College and over 25 percent at the Atlantic Police Academy. It took RCMP members in investigative work 8.6 years to reach their first investigative position, and MPD members 10.2 years. The data available to us show no members of visible minority groups and only one woman (in an MPD) doing investigative work.

Nova Scotia's MPDs generally describe their manpower resources for investigative activity as satisfactory or adequate, but many also recognize specific needs and limitations in their Departments. Of the 19 MPDs which directly answered a question about the adequacy of their manpower resources for the investigation of major crimes, five

71. We have data on 19 of the estimated 65 RCMP members involved in investigative work, and 75 of the 101 MPD members.

72. Our information sheets record only the five most recent courses. This comparison is not meant to imply that adequate skills are not present in MPDs. However, the RCMP, by contrast to MPDs, seems to give relevant courses before investigative postings, whereas MPDs are more inclined to provide it after investigative work is started. This may be associated with promotions in MPDs.

73. Interrogation, fraud, and gambling also receive some mention among MPD investigators.

reported they are satisfactory, 11 adequate, and three inadequate. Three of the 11 Departments which regard their resources as adequate make mention of a workable dependence on the RCMP for specialized services. They acknowledge that they require RCMP assistance for investigations which are in their jurisdiction but which may require extra manpower, or work outside the local area. Several mention the desire to have a full time investigator on staff,[74] and others would like to develop the more specialized capacities (especially identification) for which they currently rely on the RCMP. As one Chief put it, "In order to be independent, an identification section is necessary. We are now depending on the RCMP for these services and their ability to attend." The three Departments which describe their investigative manpower as inadequate all have less than ten sworn officers.

The cooperation and assistance which the RCMP gives MPDs in investigative matters is of necessity an informal matter in most cases. In one Subdivision, the connections were described as being 90 percent informal and ten percent formal. The typical contact will be between an MPD investigator and an Identification person in the RCMP. Requests for assistance are screened by supervisors within some broad policy guidelines, but much cooperation occurs on the basis of oral understandings.[75] Some procedures, like the use of the polygraph or a security survey of specified premises, require written requests and approval, but calls for identification services, back-up, or dogs do not involve such formal approval.[76] The MPDs frequently and routinely use the specialized services made available by the RCMP.[77] The quality of these services and the willingness of the RCMP to provide them are quite uniformly praised by the MPDs.[78] Many MPDs also rely on RCMP help to investigate major crimes which are within MPD jurisdiction,[79] and are generally quite grateful for RCMP assistance. On their side, the RCMP acknowledges that the MPDs "know their towns and know their people". The RCMP can supply the special services and, when needed, additional manpower. There are innumerable examples of good informal cooperation between the RCMP and MPDs at different rank levels and in different situations. Information is freely exchanged on break-and-enters, stolen goods, and the like. The RCMP and MPDs also engage in a wide range of joint endeavours short of formal joint forces operations.

Relations between MPDs and the RCMP on investigative matters are also affected by major structural differences in the connections between the four RCMP Subdivisions and the MPDs in their respective areas. In Yarmouth Subdivision, there are only two small, rural MPDs (located in Annapolis Royal and Middleton). By contrast, Halifax Subdivision has complex relations with both

74. One Chief expressed the idea that eventual amalgamation with another MPD may free up the resources necessary to support a full time investigator.

75. There have also been some successful experiments in integrating RCMP and MPD radio systems to handle things like high-speed chases.

76. The RCMP Emergency Response Team, which may deal with bank robberies, barricaded persons, or kidnappings, operates only under RCMP supervision.

77. For example, the Halifax Subdivision Identification Section spent 140 hours on 38 cases for the three South Shore MPDs during 1987.

78. It is expected that RCMP detachments will not receive preference to MPDs in requests for specialized services from the RCMP.

79. There is some confusion apparent about the necessity for involving the RCMP in various types of investigations. One Chief believes major frauds necessitate RCMP involvement, while another apparently thinks he controls all criminal investigations in his area (this is not one of the six MPDs with an exemption on murder investigations).

smaller and larger MPDs. In particular, the Subdivision engages in major joint force operations with the Halifax-Dartmouth metropolitan MPDs,[80] as well as the normal range of activities typical of areas with lower population concentrations. The Truro and Sydney Subdivisions also interact with a considerable number of MPDs, and have many areas of overlap in their activities. However, by comparison to the Halifax Subdivision, the Truro and Sydney Subdivisions engage in more rural policing. The Sydney Subdivision has had some joint forces operations with local MPDs on drug-related issues but they are less frequent and involve fewer resources.

80. The Subdivision also participates in a police committee involving Cole Harbour, Halifax, and Lower Sackville which meets on a quarterly basis to coordinate its activities.

The basic trends in criminal investigation in North America which are relevant to this study have been outlined by Chappell, Gordon, and Moore in a literature review (1982) and a survey of Canadian police departments (1983). The authors restricted their Canadian survey almost exclusively to MPDs with more than 50 sworn personnel on the ground that smaller forces rely on external assistance from the relevant provincial force for any serious criminal investigation (Chappell, Gordon, and Moore, 1983:162-163). They report that about 16 percent of the personnel resources in the MPDs surveyed[81] are committed to investigative work. The proportion allocated to investigation rises from around 14 percent of the smaller forces (less then 100 sworn personnel) to approximately 20 percent in forces with more than 1000 sworn personnel. The large departments have the majority of their investigative staff employed in specialist investigative sections, while the smaller ones have more of their staff in general investigative sections.

81. The 78 MPDs surveyed account for approximately 80 percent of the sworn personnel and provide service to approximately 50 percent of the national population (1983:162, 165).

The three recent developments which have had the most impact concern case screening, an enlarged investigative role for patrol officers, and improved supervision of investigative work. While there have been relatively few attempts to consider or use formal case screening,[82] there is a considerable minority which has adapted informal screening procedures, particularly for burglary, fraud, and robbery, which are based on the discretionary judgment of supervisory officers. Screening can make investigative work more effective, but it also can create public relations problems if citizens are offended by the notion that some cases may be immediately dropped from active consideration. The majority of the departments surveyed have also tried to enhance the investigative functions of patrol officers to the extent of having them do follow-ups, particularly on minor crimes. Finally, many Canadian departments have increased the level and quality of supervision given to investigative work. This trend may involve the use of diaries, more written reports, or conferences. Increasing managerial intrusiveness has limited the traditional autonomy of detective units somewhat,

82. The Halifax Police Department is one which has examined formal procedures and has decided to make its officers aware of the predictive elements involved, rather than to implement a formal system.

and may reflect concerns about the cost effectiveness of existing procedures.

For their part, the RCMP has a philosophy of looking into every case which comes to their attention to the extent of the time and resources available to them. Although the proportion of cases solved is the primary criterion for evaluating investigative work, the thoroughness and completeness of all such work is a matter of central concern. The RCMP has placed systematic emphasis on the role of the individual constable in investigative matters. Constables are expected to carry through on investigations to the extent of their capacities. Lines of authority in the RCMP are consistently strong, with a constable's work and reports being carefully checked and read for completeness, attention to legal concerns, and the proper use of available techniques. Investigative work is subject to ongoing scrutiny within detachments and subdivisions. The periodic managerial reviews and audits which occur for all units, subdivisions, and divisions also ensure the quality of work and resource utilization.[83] There are also specialist audits of identification services, CPIC, and the like, carried out on a yearly basis.

Although case screening has not received much attention from Nova Scotia's MPDs, there has been a considerable increase in the role of constables in the investigation of minor crimes, and a real growth in the level of administrative supervision for investigation of major crimes. It is not uncommon for smaller, rural MPDs to have their constables carry through on the completion of minor criminal investigations. There are also some instances in which junior members of the force are involved, with some senior supervision, throughout the completion of serious investigations. One Chief, who uses some highly-trained younger constables to close serious criminal investigations, claims that people are willing to take lower salaries to work on his force because they are given more responsibility. He says, "If you don't know it, you learn it. You grow all the time."[84] Many Chiefs are aware of Halifax's experiment in community-based policing, and are interested in its effects on criminal investigation. (See Appendix 16 for a more detailed discussion of the issues involved.) However, there is some skepticism about the long-term success of this reorganization, and little indication that other MPDs see the specific changes as relevant to their activities.[85]

Increased scrutiny is being given to the monitoring and evaluation of criminal investigations. It is the usual practice to have ongoing scrutiny of investigative activities by responsible senior members. In cases where the Chiefs have prior RCMP (or similar) experience, it is common to have a written log of cases, and to have senior members keep records of cases which become part of an annual review process

83. The thoroughness of these reviews is attested to by the way that individuals carrying out such evaluations are described as "coming in to shoot the wounded".

84. The smallest MPDs (less than ten sworn members) turn quickly to the RCMP for help in investigating all serious crimes.

85. One Chief mentioned that several major western Canadian forces have returned to traditional organization of criminal investigation work after some initial success with community-based policing.

for the members involved. One Chief of a moderate-sized Department, in discussing the Marshall case, identified management supervision of investigative files as a crucial element in preventing repetitions. As he puts it, "this is where the control comes in".

Part 9
Police/Minority Relations[86]

American and British studies of police relations with racial minority groups have found that the police tend to manifest levels of racial prejudice and discrimination which are reflective of the larger social environment from which they come and in which they work (Reiner, 1985:100-103, 124-136). The general police responsibility to maintain public order routinely places them in opposition to organized labour and the political left, as well as other groups, like the poor and some racial minorities, who are regarded as a potential threat to dominant interests. Given their social position, it comes as little surprise that one finds political and social conservatism typical of police groups, or that police develop stereotyped language to deal with various groups who are widely defined as "police property".

However, one must be clear when one describes attitudes as "prejudiced" or behaviour as "discriminatory". As Reiner points out, it is probable that the police will be more likely to use police powers against some racial minorities simply because they are more highly represented among those social strata which receive police attention. This sort of "differentiation" or "exercise of police powers against particular social categories which varies from their representation in the population (*e.g.* a disproportionate arrest-rate of young Black males)" (Reiner, 1985:125) does not necessarily imply negative attitudes toward such groups, nor a propensity to act against such groups when legally relevant considerations are taken into account. Police methodologies routinely emphasize the need to pay attention to special circumstances or to inconsistencies in expected patterns of behaviour. Thus, it is also probable that the general orientation of suspicion which is embedded in police culture will encourage police to create racial stereotypes to help guide their assessment of potential problems. To the extent that they are based in social reality, stereotypes may prove helpful in doing effective work. However, when stereotypes facilitate a propensity to assume negative characteristics in particular situations where they are not present, difficulties may arise.[87] The major problem here is to remove the racist elements from the conceptual "keys" and cognitive shorthand which exist in police culture.

Having introduced these attitudinal distinctions, it must also be clearly emphasized that "differentiation" and stereotyping are frequently generated by existing racial and class structures which themselves institutionalize discriminatory behaviour against various

86. Due to time constraints, we have not been able to conduct the in-depth studies necessary to obtain data on the actual behaviour of police in police/minority encounters. We would refer the reader to the two separate studies which the Commission has carried out in the Black and Micmac communities for an assessment of some of the issues involved. We also acknowledge the seminal work of Robert Depew (1986) on questions regarding Native policing. His findings and recommendations have some important things to say about potential changes in these areas.

We would also point out that the current literature on attitudes and behaviour makes the case that there is a reasonably strong relationship between attitudes and behaviour. It has been fashionable, particularly with the introduction of the concept of institutional racism, to focus on discrepancies between attitudes and behaviour. It is argued, with some cogency, that institutional structures can generate discriminating outcomes even with absence of prejudiced attitudes. However, one cannot ignore the substantial connection between negative racial attitudes and discriminating behaviour nor its continuing relevance for race relations. As Sullivan, Piereson, Marcus (1982:50) put it, "even though attitudes and behavioural dispositions do not automatically translate into behaviour, they do set the stage by creating a range of potential behaviours and by making some behaviours more likely than others".

87. Even where stereotypes encourage positive images (about honesty, hard work, intelligence, and the like), problems may emerge. If one anticipates the presence of some positive quality associated with a stereotype, one may be disappointed by, and critical of, members of a group who do not live up to these values.

Table 8 Questions Employed in Constructing Summary Measures

Individual Legal Rights Index Questions

B22. Version 1.

I would like you to consider now an instance where the police see a young man they do not recognize walking very near a house where they know drugs are being sold. They search him and find he is carrying drugs.

Many POLICE feel very strongly that they have to be able to search people like this, in order to prevent crime from going out of control. Do you think this search is a reasonable search, or does it violate the young man's rights?

1. Reasonable search
3. Qualified, reasonable search
5. Violated his rights
7. Qualified, violated his rights
8. Don't know
9. Refused

Version 2.

I would like you to consider now an instance where the police see a young West Indian they do not recognize walking very near a house where they know drugs are being sold. They search him and find he is carrying drugs.

Do you think this search is a reasonable search, or does it violate the West Indian's rights?

1. Reasonable search
3. Qualified, reasonable search
5. Violated his rights
7. Qualified, violated his rights
8. Don't know
9. Refused

Version 3.

I would like you to consider now an instance where the police see a young man they do not recognize walking very near a house where they know drugs are being sold. They search him and find he is carrying drugs.

Do you think this search is a reasonable search, or does it violate the young man's rights?

1. Reasonable search
3. Qualified, reasonable search
5. Violated his rights
7. Qualified, violated his rights
8. Don't know
9. Refused

Version 4.

I would like you to consider now an instance where the police see a young West Indian they do not recognize walking very near a house where they know drugs are being sold. They search him and find he is carrying drugs.

Many POLICE feel very strongly that they have to be able to search people like this, in order to prevent crime from going out of control. Do you think this search is a reasonable search, or does it violate the West Indian's rights?

1. Reasonable search
3. Qualified, reasonable search
5. Violated his rights
7. Qualified, violated his rights
8. Don't know
9. Refused

Please express your views about the following issues by answering "yes" or "no" to the following questions.

C7. Should Customs officers be able to conduct body searches without a warrant if they suspect someone is smuggling drugs into the country?

1. Yes
2. No
8. Undecided

Now some statements about business issues, law and criminal matters. Complete the sentence by checking the answer that best represents how you feel.

QE6. If a police officer stops a car for a traffic violation, he should:

1. Be allowed to search the car if he suspects it contains narcotics or stolen goods
2. Be limited to dealing with the traffic violation and nothing else
3. Neither
9. Undecided

QE7. Should government authorities be allowed to open the mail of people suspected of being in contact with fugitives?

1. Yes, as it may help the police catch criminals they have been looking for
2. No, it would violate a person's right to correspond with his friends
3. Neither
8. Undecided

Anti-Immigrant Index Questions

E6. People who come to live in Canada should try harder to be more like other Canadians. (Do you basically agree or basically disagree with that statement?)

1. Basically agree
3. Qualified agree
5. Basically disagree
7. Qualified disagree
8. Don't know
9. Refused

E10. Immigrants often bring discrimination upon themselves by their own personal attitudes and habits. (Do you basically agree or basically disagree with that statement?)

1. Basically agree
3. Qualified agree
5. Basically disagree
7. Qualified disagree
8. Don't know
9. Refused

The following statements are about important issues facing Canada today. Indicate whether you strongly agree, agree, disagree, or strongly disagree with each statement by writing the number that best represents how you feel in the space provided to the right of each statement.

QA4. While it is all well and good to celebrate one's heritage, it is more important for new immigrants to learn what it is to be Canadian than to cling to their old ways .....

Strongly Agree - 1
Agree - 2
Disagree - 3
Strongly Disagree - 4
No Opinion - 5

Anti-Native Index Questions

B4. Version 1.

Canada's constitution recognizes the unique rights of Canada's Native peoples. Should Native peoples be treated just like any other Canadian, with no special rights, or should their unique rights be preserved?

1. Should be treated just like any other Canadian
3. Qualified, should be treated like any other Canadian
5. Unique rights should be preserved
7. Qualified, unique rights should be preserved
8. Don't know
9. Refused

Version 2.

Should Native peoples be treated just like any other Canadian, with no special rights, or should the unique rights of Canada's Native peoples be preserved?

1. Should be treated just like any other Canadian
3. Qualified, should be treated like any other Canadian
5. Unique rights should be preserved
7. Qualified, unique rights should be preserved
8. Don't know
9. Refused

The final section of the questionnaire asks questions about different groups of people in Canadian society. Some of these questions may seem fair and sensible, others will strike you as extreme or even foolish. Since our purpose is to obtain a description of the beliefs and ideas of all Canadians we include answers that reflect a wide range of opinions.

For the first questions in this section check the answer that completes the sentence in a way that best reflects your view.

QG7. Land claims settlements with Native peoples:

1. Should be reached before using their land for economic development purposes
2. Should not be a reason for postponing major development projects
3. Neither
8. Undecided

For these questions indicate whether you Mainly Agree or Mainly Disagree with each statement. Place the appropriate number to the right of each statement.

Mainly Agree - 1
Mainly Disagree - 2
No Opinion - 3

QG18. In the long run, it would be best for Native people to be completely assimilated into Canadian society .....

Table 9
Basic Measures by Citizen/Elite Status and Region*

	Individual Legal Rights		Anti-Immigrant Attitudes		Anti-Native Attitudes	
Elite Sample - Total	**1.09**	**(896)**	**0.87**	**(904)**	**1.00**	**(898)**
• Legislative	1.10	(290)	0.90	(300)	0.74	(292)
• Legal	1.37	(236)	0.65	(233)	1.00	(232)
• Executive	1.14	(191)	0.70	(189)	1.05	(192)
• Police	0.65	(170)	1.25	(182)	1.36	(182)
Missing Data		(452)		(442)		(450)
Citizen Sample - Total	**1.06**	**(1206)**	**1.32**	**(1190)**	**1.44**	**(1184)**
• Atlantic	1.05	(118)	1.30	(113)	1.46	(111)
• Quebec	1.03	(275)	1.35	(275)	1.42	(277)
• Ontario	1.11	(460)	1.28	(448)	1.35	(449)
• Prairies	0.98	(220)	1.35	(225)	1.55	(217)
• British Columbia	1.04	(134)	1.33	(129)	1.57	(130)
Missing Data		(878)		(894)		(900)

* Statistical tests have been performed on these data which demonstrate that the police have attitudes on all three scales which are significantly different from the other elite groups. There are no significant differences on these three measures when one compares the three subgroups from which the police sample was chosen (the RCMP, the OPP and QPF, and officers from four other major cities in Canada). The regional difference on anti-Native attitudes discussed in the text is also statistically significant.

minority groups. The police, like other groups in society, are quite capable of perpetuating racial and social divisions without harboring negative attitudes towards minority groups. Nevertheless, the evidence available for Britain and the United States does suggest that police do have negative attitudes towards racial minorities which are not warranted by social facts, and are more likely to act differently towards racial minorities than is justified by the actual offence rates of these groups. To put those attitudes and behaviours in a proper context, one must appreciate that they emanate from a general cultural environment which encourages them. The best information we currently have available on these issues in Canada comes from a major 1987 national study of attitudes towards issues related to the *Canadian Charter of Rights and Freedoms* (Fletcher, 1987; Sniderman, Fletcher, Russell, and Tetlock, 1987). While the research does focus on civil liberties issues, it construes them in a broad enough way to be relevant to this study. As in many other studies in the civil liberties area, interviews were carried out with representative citizen and elite samples. The citizen sample consisted of 2084 interviews conducted nationally to represent opinion in the country as a whole. The elite sample included interviews with four separate subsets of decision-makers relevant to Charter issues. There were 513 legislators (political elite), 350 lawyers (legal elite), 260 ministry officials involved with legal issues (administrative elite) and 223 police officers (see Appendix 17 for a fuller description of the project).

Fletcher has used these data to build three summary measures on attitudes towards Natives, immigrants, and individual legal rights. He calculated the mean scores on these measures for the various elite and citizen samples. The measures or indices are built from the answers to questions listed in Table 8 (on previous page). These questions were selected as most important in these areas using some standard social science analytic techniques. The scores on the indices range from a low of zero to a high of two for each scale. The basic patterns for these indices are given in Table 9. We can draw the

following tentative conclusions from these summary measures at the national level:

1. *The police have less respect for individual legal rights than the rest of the decision-making elite and the national sample. The police are less liberal than the rest of the elite on immigrant and Native issues, but reasonably close to citizen averages on them.*

2. *The lawyers are decidedly more liberal on questions of individual legal rights and immigrant issues than the citizen sample and the rest of the elite (except for the executive group). They are more liberal than the citizen sample, but not the rest of the elite, on Native issues.*

3. *The executive group parallels the lawyers in their profile except for average scores (by comparison with the rest of the elite) on individual legal rights.*

4. *The legislative group is more liberal than the national sample on immigrant issues, and more liberal than either the citizen sample or the rest of the elite on Native issues.*

5. *There are few regional differences, except for the fact that Ontario is somewhat more pro-immigrant, and the west (both the Prairies and British Columbia) more anti-Native.*

Care needs to be taken in interpreting these findings. Many of these patterns are open to divergent interpretations. For example, one might reasonably agree that the data suggests a picture of police prejudice and conservatism on minority and legal rights. However, the police are not distinguishable from the citizen sample in many of their attitudes. Given that the police are much closer to the national population than the rest of the elite in their socio-economic background, one might alternatively argue that the police reflect dominant community attitudes fairly well (and, indeed, may have an implicit mandate to enforce these attitudes). Further, in the legal area, where the police tend to diverge even from the general population in their more conservative attitudes, one might argue that the "working rules" of police culture positively sanction substantial departures from "ideological values of due process legality" (Reiner 1985:86). There is considerable Canadian evidence which indicates that the police find it difficult to do certain types of work without violating the law and develop cultural formulas which institutionalize "hypocrisy" in organizational structures to permit them to cope with inevitable difficulties. Ericson (1982: 26-27, 61) maintains that

provincial Police Acts and departmental orders in Ontario are written in "such broad and general form" that every police officer violates them. Further, "rules are contradictory, so that following one necessarily entails violation of others". These difficulties put police in a position of "dependent uncertainty" with regard to their supervisors, and leave them vulnerable to scapegoating, particularly if there are complaints from the general community. Ericson states, "Just as patrol officers use enabling criminal law rules to deal selectively with troublesome citizens, the police administration is able to use *Police Act* and departmental rules to deal selectively with troublesome officers." Since the police generally operate within a broader context shaped by political and legal elites, their routine violations of the law may be viewed not as deviant behaviour, but rather as acceptable applications of police discretion which are encouraged and legitimated by political and legal elites (McDonald Commission of Inquiry, Third Report, 1981).

Some additional patterns can be drawn from the individual items at the national level on police attitudes which are listed here.

1. *Natives*

The police particularly emphasize the need to treat Natives the same as others, and to oppose affirmative action for Natives (Tables 17.1, 17.2 and 17.3 in Appendix 17). This is true in comparison to the national sample and the rest of the decision-making elites.

2. *Blacks*

By comparison to the rest of the elite and the national sample, the police reject legal guarantees for job opportunities (Table 17.4). (This also holds for job opportunities for homosexuals [Table 17.5]).

3. *Immigrants*

The police are less liberal than the rest of the elite, but as liberal, or more so, than the general public.

4. *Race*

The police are more likely than the elite, but no more so than the citizen sample, to endorse the idea of basic racial differences (Tables 17.6 and 17.7).

5. *Legal Rights*

The police are more inclined than the rest of the elite or the general public to bend these rights (Tables 17.8, 17.9, and 17.10 [Table 17.11 versus the citizen sample only]).[88]

88. The Atlantic-level and Nova Scotia data generally yield the same overall patterns as the national data. However, the decline in the number of cases makes many of the findings less statistically significant. (Police conservatism on individual legal rights holds quite firm in the Atlantic-level data.) There are not enough cases to do statistically significant comparisons within Nova Scotia except for elite/citizen comparisons.

Both the general patterns on the summary measures, as well as the specific trends in police attitudes with respect to Natives, Blacks, and racial differences, suggest that the police approach the question of visible minorities from a perspective which has been identified as "individualist" (Apostle, Glock, Piazza, and Suelzle, 1983:25-27). This viewpoint, or "explanatory mode", basically denies the existence of major racial differences. People are regarded as controlling their own personal fate and if one finds that particular groups, including visible minorities, fare less well in the social or economic order, one can attribute their lack of success to the fact that they have not tried hard enough. In the American context, this historical viewpoint serves to justify resistance to policies designed to alleviate racial inequality, and particularly affirmative action plans, which might give specific groups what would be perceived as unfair competitive advantages. This perspective, which one might reasonably characterize as "prejudiced, bigoted, and probably racist", is quite resistant to change. If one argues, for example, that "Black people in America are deprived relative to Whites by their own choice, not because of anything White people have done" and that "it is beyond the power of White people to set things straight", the responsibility for adjustment is placed on the minority group itself (Apostle, Glock, Piazza, and Suelzle, 1983:96-98). In the context of police work, in which younger members frequently acquire their attitudes and style from older, street-wise members, the intergenerational transmission of more conservative views may be difficult to alter. Given the fact that this "individualist" explanatory mode is probably the most frequently used explanation current in North America today, one should be reasonably pessimistic about the prospects for proposals which seek to address the persistence of racial inequality in our society (Apostle, Glock, Piazza, and Suelzle, 1983:83, 225, 229-230).

The qualitative data we have gathered in Nova Scotia are consistent with the attitudinal patterns we have identified in the Charter Project, and with our interpretation of it. As discussed above, MPDs in Nova Scotia regard potential minority recruits as individuals who are to be evaluated in the very same way as other candidates. Further, there is little recognition that police require training in dealing with minority communities. The majority viewpoint is well represented by the comment that "all officers understand that all persons are equal and to be treated that way". One qualification is immediately relevant in the Nova Scotia context: visible minority groups are quite unevenly distributed across the province. As Clairmont has demonstrated (see Appendix 18), the Black population of Nova Scotia, which is estimated to be somewhat over 15,000, tends to cluster in Halifax-Dartmouth, Digby, industrial

Cape Breton, Guysborough, and Pictou. The status Indian population on reserves is 4439, and is distributed as shown in Appendix 18. A large plurality of the non-status Indian and Metis population, which is variously estimated to be from a low of 1763 to a high of 3550, is located in the Halifax-Dartmouth area. Police attitudes towards minority groups and policies on minority recruitment and multicultural training are clearly more important in areas where there are greater concentrations of visible minority group members.

The RCMP, given the location of its Detachments, has considerable primary responsibility for policing in Black and status Indian communities. The Preston and Digby Black communities, which are the two largest Black groups east of Montreal, are predominantly or exclusively located in RCMP jurisdictions. In both areas, the RCMP members involved distinguish among geographically separate sections of the community, with those located closer to their respective urban areas being more likely to become involved with the police. The North Preston area in particular is described as an integrated community which tends to resolve smaller issues (*e.g.* petty crimes against property) internally.[89] Although the RCMP may be immediately involved in the more serious offences (*e.g.* assaults), the Dartmouth-area Black community is viewed as being less likely to create problems than the adjacent White population.[90] The Black population in Guysborough county is described as being concentrated in three particular areas. These communities are characterized as being very similar to other White communities in the area in terms of the types and amounts of contact they have with the RCMP. RCMP contact is generally at the family level, and the Black communities involved have few political representatives or local influentials with whom the RCMP can interact.[91]

The RCMP also provides a full range of police services to a majority of the Micmac reserves and status population in the province. Interaction with individuals on reserves most typically involves alcohol-related offences, or intervention in domestic disputes in which alcohol use is almost always a factor. The RCMP in several parts of the province describes itself as being involved in a wide range of matters on reserves, including minor offences. One member with considerable experience suggests that some Indian communities, by contrast to other visible minority groups, as well as some White communities, do not have the internal resources or capability to deal with minor issues by themselves. Detachment representatives have frequent communication with local Chiefs and Councillors on reserves. They submit monthly reports to the Chief, as well as the Division and Subdivision, on their activities. In several instances, the RCMP have Indian Special Constables (ISPs) who

89. The Baptist Church is singled out as a particularly important institution in this regard.

90. One RCMP officer emphasized the need for on-the-job training in dealing with visible minority communities. Multicultural training helps to sensitize new members, but "contact is the key". Several of the White RCMP members interviewed have had extensive periods of experience with visible minority communities elsewhere in Canada and have been able to use this experience beneficially in Nova Scotia.

91. One of the best ways to meet many of the local youth, both Black and White, are at informal community basketball games.

work out of Detachments with responsibilities on major reserves. The ISPs work under the general supervision of a regular member[92] and are expected to spend a minimum of 85 percent of their time on reserves. The ISPs typically have been recruited from the areas in which they work and usually live on the reserves involved. The RCMP regards these arrangements as successful mechanisms for providing policing to the Native Indian communities.

In addition to their considerable Black and Native Indian populations, the Halifax-Dartmouth area Detachments and MPDs deal with distinct Chinese and East Indian communities. These groups are regarded as being both law-abiding and, because of the negative attitudes towards police some of them have brought here through migration, are generally suspicious of metropolitan police. Given such attitudes, they are also less likely to call for police assistance.

The relatively conservative police attitudes on legal rights which are discussed above raise one other issue which is salient to the analysis of police/minority relations. The generality of the wordings in these questions suggest that all groups, whether they be visible minorities or not, may be subject to differential treatment should they be defined as groups requiring special attention by the police. These other groups may include individuals who are regarded as minorities on other grounds, like lifestyle or sexual preference, or simply people from poorer socio-economic backgrounds. Ericson (1982: 6, 8) points out that "the primary function of the uniformed police has always been to patrol the petty". The police, as "reproducers of order" have a tendency to enforce the "values of middle class respectability" established by the more affluent members of society. The interaction between economic factors and racial ones is frequently very complex, and it is often difficult to disentangle those elements of police/minority relations which are attributable to economic considerations from those which are socio-cultural in origin.[93] Although empirical treatment of this problem area is beyond the scope of this particular study, we would emphasize that the social class dimensions of police/minority relations should not be neglected.

92. This does not mean they work in the immediate physical presence of regular members. Rather, they will be assigned shifts on which regular members are available if the tasks involved require supervision.

93. There is a further complication introduced when one has to assess the possibility that there are important intervening mechanisms which may or may not facilitate differential treatment by class or race. As Ericson puts it, "to the extent members of racial minorities and those of low socio-economic standing tend to be 'unstable', less deferential, and to request particular forms of police action, police activity towards them is different from that towards other types of citizens" (1982:17).

Part 10
Conclusions and Recommendations

10.1
Choosing a Policing Philosophy

Policing systems and institutions in different jurisdictions each reflect, usually more implicitly than explicitly, important choices which have been made between competing philosophies and values concerning what the business of policing is all about. Nova Scotia's policing system is, and will continue to be, no exception in this regard.

We think it is important that, at a time of reassessment such as this, some attempt be made, however tentative, to make these choices more explicit so that they can be more easily exposed to questioning, criticism or confirmation by the public who are the consumers of policing services. While ideally our study would have included a component which directly explored public perceptions of, and attitudes towards, Nova Scotia's policing system, it will be appreciated that the time and other resource constraints within which our study had to be completed did not allow for this. Of some consolation in this regard is the fact that other studies which were conducted by this Royal Commission (especially those concerning the experiences of the Black and Micmac communities with Nova Scotia's justice system) have been able to explore attitudes and perceptions about policing of some of the groups whose experiences are especially relevant to the central issues which this Commission is addressing. In considering our report, therefore, we expect that this Royal Commission will take the pertinent findings of these other studies into account.

A starting point in any attempt to make philosophical choices more explicit and open to discussion is to consider what values such choices involve. In the context of policing, many such values are in play. Of central significance in any policing system are the values of, on the one hand, local choice, variety and autonomy and, on the other hand, centralized uniformity, consistency and efficiency. Implicit in the value of local choice, variety and autonomy is the desire that policing most closely reflect the needs and preferences of the particular communities it serves as expressed by the communities themselves. Implicit in the value of centralized uniformity, consistency and efficiency, on the other hand, is a concern to ensure some minimum equality of service, treatment and standards in policing throughout a jurisdiction. Optimal use of scarce resources is also a goal which often leads policy-makers in a centripetal direction.

Even a brief consideration of policing systems in different parts of the world illustrates the different choices which are made between these competing values. At one end of the spectrum in this regard is the United States of America, which is reported to harbour some 40,000 law enforcement agencies (nobody seems to know exactly how many there are). By contrast, France has only two police forces, both of which have national jurisdiction, and New Zealand has only

one. In between these two extremes are countries like Australia (which has six state police forces and two federal ones), the United Kingdom (which now has 44 police forces), and Canada (which has approximately 450 forces).

Even within Canada, however, there are great differences. Newfoundland eschews municipal police forces, and relies solely on the Royal Newfoundland Constabulary and the RCMP to provide its public policing services. By contrast, there are 167 municipal police forces and one provincial force in the province of Quebec. In Canadian terms, therefore, the province of Nova Scotia, with its 25 municipal police forces and 731 RCMP officers, lies somewhere in the middle of this central/local spectrum of choice.

These choices, of course, are not static, as is well illustrated by the examples of the United Kingdom and southern Ontario. As a result of "rationalizations" following upon the report of the Royal Commission on the Police in 1962, the number of police forces in the United Kingdom was reduced, in the 1960s, from over 130 to the current 44. A similar process occurred in southern Ontario during the early 1970s, with the creation of eight new regional police forces, eliminating a much larger number of smaller, municipally-based forces.

The number and local character of police forces within a particular jurisdiction is only one indicator of the central versus local choices which are made around policing, however. The development of central agencies to monitor the performance of local units, provide advice, assistance and support services for them, and establish minimum standards which they must meet, is another indicator of such choices. In this connection, the rationalizations of provincial police legislation and the establishment of provincial Police Commissions which accompanied them, during the 1960s and 1970s, were important policy developments in Canada. In most cases they reflected a continued fundamental commitment to local autonomy, variety and choice in matters of law enforcement, combined with a recognition that to function most effectively in the public interest, such a local law enforcement infrastructure required a certain level of support, assistance and supervision from more central agencies.

Advocates of "rationalization" (and centralization) with respect to policing services often present these choices as if they are simply matters of technical efficiency which can be determined by the application of standard numerical formulae. The recent recommendations made by Grant (1988) for the abolition of municipal police forces in New Brunswick epitomize this approach. We cannot over-emphasize our rejection of this approach to the issue of choices in policing policy. There are, we believe, many different factors which should properly be taken into account in choosing the

most appropriate mix of local and central institutions for a provincial policing system. While technical efficiency and "operational viability" are undoubtedly important factors to be taken into account in making such choices, they cannot, in our view, be regarded as the only, or even necessarily the most important, of such factors. Community preferences, political contexts, crime and disorder patterns and local responsiveness of the police are but a few of the others. As the recent experiences in Ontario have shown, there are many different ways of achieving an appropriate balance between provincial and more local interests in the organization and delivery of policing services. Nor is there much consensus, in that jurisdiction or elsewhere at the moment, as to which choices result in the most effective and acceptable solutions.

Quite apart from these broad structural choices, however, there are other important choices which are made in determining the ways in which policing services are to be delivered. One of these can be crudely described as the choice between popular, community-based input and influence over police decision-making, on the one hand, and reliance on "professional", expert police decision-making, on the other (although of course in practice the choice is never as clear-cut as this distinction suggests). As Murphy (1986) and others have convincingly demonstrated in the Nova Scotia context, the different policing styles of the RCMP and municipal police forces reflect different choices on this "community input/professional management" spectrum. Other work, by Hann, McGinnis, Stenning, and Farson (1985), has similarly demonstrated that even among municipal police organizations there is great variety in the nature and extent of community input and influence (whether through traditional municipal political structures or otherwise) over police policy and decision-making, and that there exists little consensus about the most appropriate blend of community influence and "independent" professional management in municipal policing in Canada. The current global interest in "community-based policing" (Murphy and Muir, 1985), however, seems to reflect a shift in the way people are thinking about these choices. Ideas about what constitutes adequate "accountability" of public policing are consequently very much in a state of flux at present.

These debates have implications not only for the external relations of the police but also for their internal organization. The current experiments with decentralized management and service delivery within the Halifax Police Department provide a good illustration of this. They reflect not only choices about how responsibility for the policing function is best distributed within a police organization, but also how responsibility for this function should be shared between a police organization and the members of the community it serves.

Implicit in these choices is a debate about what the task of a police force and the job of a police officer are all about. And here, too, there is currently a lot of rethinking going on among policy-makers, community leaders, scholars and the police themselves.

Finally, and related to these other choices, choices are being made about the process of policy-making itself. Two trends seem to be evident in this connection. First is a trend towards more "rational", systematic policy generation and implementation. *Ad hocery* is being nudged aside in favour of long-term, system-wide planning, involving the gathering of more adequate bases of information and the development of more clearly articulated objectives, goals and measures of evaluation. All of this has been facilitated by, if not actually prompted by, modern technological developments. Considerable economic and political risks are thought to be associated with resisting or ignoring these trends. While there is little doubt that they have an important bearing on the central versus local choices which we referred to earlier, it is equally clear that the relationship is not necessarily viewed as a direct one. Technology and planning can be invoked to support decentralized systems of policing as well as centralized ones.

Second, there is evident a modern trend towards more "open", participative models of policy-making. The notion that police policy-making is accomplished by bureaucrats applying their expertise behind closed doors finds less and less favour these days. As a result, expectations of police managers and civil servants have significantly changed in recent years, although there is by no means consensus as to what the roles of such officials should now be in the police policy and decision-making process. What is clear is that other players, such as police associations, community groups and the public more generally, are being recognized as having more significant roles to play in this process than was the case heretofore and, if they are to be able to contribute effectively to the process, their access to critical information must be greatly enhanced.

These trends are not unique to the field of policing; however, they constitute an important political context within which all of the other choices to which we have referred are now being made.

10.2 Current Philosophies of Policing in Nova Scotia

As we have illustrated in many parts of our report, the philosophies of policing which currently prevail in Nova Scotia are mostly implicit rather than explicit. There have been few explicit debates about such matters in the province. Even the Green Commission report of 1981, which is the most recent overall examination of Nova Scotia's policing system, did not explore most of the broad philosophical questions in any explicit way; major

reforms were proposed but a general philosophy of policing for the province was not articulated. Most reforms, it should be said, are accomplished in this way, so the Green report should not be singled out in this regard. (Compare, for instance, the 1974 Report of the Task Force on Policing in Ontario, which adopted an approach similar to that taken by Judge Green.)

To determine the prevailing philosophies of policing in Nova Scotia, therefore, it is necessary to infer them from various sources. A good starting point in this regard is the *Police Act* of 1974. A close examination of this legislation (which, with some significant amendments, remains the legislated basis for the policing system in the province today) demonstrates quite clearly a preference for considerable local autonomy, variety and choice in the establishment and maintenance of a policing system for the province. Municipalities are assigned the primary responsibility for policing within their boundaries. In fulfilling this responsibility, they are given a choice between maintaining their own autonomous police forces, combining with other municipalities for the provision of such services, contracting directly with the RCMP for the provision of policing services, or contracting with the Province for the service of RCMP officers who provide provincial policing services for the province (the so-called "extended contracts").

As our review of the organization of policing in Nova Scotia indicates, municipalities in the province have taken full advantage of the choice they have been given in this regard. The policing system in the province thus consists of a patchwork of municipal and RCMP services, which vary significantly from one locality to another, and which occasionally change (as a municipality, for instance, elects to disband its own police force and contract instead for the services of the RCMP).

The preference for local choice and control which is reflected in the *Police Act*, is further illustrated by its provisions concerning police governance. Until the 1985 amendments to the Act came into force, municipalities were accorded greater latitude in determining not only the size, but the composition of municipal police governing authorities. As we have seen in our review of these bodies in Part 3 this choice has also been fully exercised, as a result of which the size and composition of these bodies has varied greatly in different localities.

Choice with respect to governance was also reflected by the provisions of the Act which allowed municipal councils, by by-law, to determine the role and functions of Boards of Police Commissioners which they created. As we have seen, as a result of initiatives by the Nova Scotia Police Commission in promulgating a model by-law which has been adopted without significant changes

by many municipalities, the choice in these matters permitted by the Act does not appear to have been exercised as fully in recent years as some of the other choices we have just discussed. There is evident a trend in this respect towards uniformity rather than diversity, although closer empirical examination than we have been able to undertake may well indicate that there is in fact greater diversity in this area than the common adoption of the model by-law suggests.

As we have seen, the extent of choice available to municipalities in establishing and maintaining arrangements for local policing has been curtailed in important ways by the 1985 amendments to the *Police Act*. But the overall preference for local autonomy, variety and choice, rather than more central dictation, quite clearly remains.

This preference for local choice and control is accompanied by provision for a significant degree of more central (provincial) supervision. Central to this supervision, in the scheme of the Act, are the roles of the Attorney General (and now the Solicitor General) and the Nova Scotia Police Commission. Interpretations of the roles of these two agents of Provincial Government have varied considerably, both among various office-holders in the Attorney General's Department and in the Commission, and among other interested persons such as chairpersons of municipal police governing authorities, chiefs of police, police association officers, and the like. From merely examining the provisions of the *Police Act* it is clear that most of the truly executive authority which was accorded to provincial authorities by the 1974 Act was accorded to the Attorney General. By contrast, most (but not all) of the authority which was accorded to the Police Commission was of a more supportive, advisory, monitoring character. The 1985 amendments to the Act appear to have shifted this balance somewhat, giving the Commission a more aggressive, intrusive and perhaps even coercive role.

As we have illustrated in Part 2, implicit in this allocation of local and more central responsibilities for policing in the province was a recognition that the Nova Scotia Police Commission, in order to perform its role of supporting, advising, and assisting municipal authorities with respect to their responsibilities for policing - and, perhaps even more importantly, in order to perform its adjudicative functions with respect to them effectively - needed to have some measure of independence from the Provincial Government, and in particular from the Attorney General and that Department. Indeed, the decision to create a separate body to perform these functions (rather than giving them directly to the Department) and to have that body's budget presented separately from that of the Department, provide a clear indication of this recognition. As we have noted in describing the history of the Commission, this need for a measure of

independence for the Commission does not appear in practice to have been either well recognized by successive Attorneys General or their Departmental staff, or strongly asserted by the Chairman, members or staff of the Commission. Our conclusion, which we have substantiated as best we can in our report, is that the Commission has not been as effective as it should have been as a result.

The hiving off, through the 1985 amendments, of the Commission's quasi-judicial functions to a new independent Police Review Board leads us to hope that these quasi-judicial functions will be able to be more effectively performed as a result, although in this connection we have expressed reservations about the remaining links which the 1985 amendments dictate between the Police Review Board and the Commission.

Turning to the issue of community control versus "independent" professional management, the *Police Act* of 1974 seemed to be somewhat ambivalent on this issue. On the one hand, in allowing municipalities the choice of establishing their own forces or contracting with the RCMP for policing services, the Act clearly favoured giving municipalities the right to choose between two significantly different policing styles. On the other hand, both the *Police Act* and the Provincial and Municipal Policing Agreements seem to allow for a significant degree of control by political authorities (the Attorney General and now the Solicitor General, and municipal councils and boards of police commissioners) over police decision-making. In practice, however, this political authority seems to have been sparingly exercised, certainly by the Attorneys General, and less certainly (because we have had less opportunity to study them in detail) by municipal authorities. This is a matter which deserves much more in-depth research than we have been able to undertake. What we have learned from our study, however, suggests to us that chiefs of police and detachment commanders in Nova Scotia, like their counterparts in other Canadian jurisdictions (Hann, McGinnis, Stenning, and Farson, 1985) enjoy considerable practical autonomy and independence in their decision-making, although there remain some important questions as to the extent to which this autonomy is in practice qualified by the power of police associations and unions.

Political authorities are not the only sources of community input into policing. Policing styles and strategies adopted by the police forces themselves may also encourage or inhibit significant direct community input and influence. In this context, the experiments in "community-based" policing which are being undertaken in some police departments in Nova Scotia are worthy of note. Their very existence indicates that some fundamental assumptions about what public policing is all about, how it is best achieved, and what the role

of public police forces is in achieving it, are being questioned in some jurisdictions in the province. It is perhaps too early to draw any firm conclusions about the implications of these experiments with respect to prevailing philosophies of policing in the province. Our overall impression is that the approach to policing which these experiments reflect still represents the exception rather than the norm in Nova Scotia, and that the more traditional styles of policing practiced by most police units in the province represent the prevailing philosophy.

10.3 Our Own Philosophical Preferences

If we had simply been asked to conduct a descriptive study and present our findings, it would be neither necessary nor perhaps even appropriate for us to trouble the reader with a statement of our own "philosophy of policing". We have, however, been asked to make recommendations on the basis of our research. While we are happy to do so, we do not enter upon this aspect of our report without some diffidence. It is, after all, ultimately up to the people of Nova Scotia, not us, to choose a policing philosophy which they are comfortable with and adopt whatever reforms are necessary to implement it. In putting forward a set of recommendations for this Royal Commission's (and also Nova Scotians') consideration, we feel that it is incumbent on us to state at the outset what broad philosophical goals and values our recommendations are designed to reflect. To the extent that our readers share our "philosophy of policing", we would hope that our recommendations will seem more intelligible and sensible. On the other hand, those who do not share our philosophical objectives will, we hope, find it easier to articulate what it is about our recommendations that they do not agree with, and why. In this way, we hope that our report will make a modest contribution to current and future debates over policing in Nova Scotia.

Our overall, and most important, conclusion is that the philosophy which is currently reflected in legislation and in police organization and practices in Nova Scotia - according to which local autonomy, variety and choice are given preference but are preferred in the context of a significant measure of provincial oversight and influence - is essentially well suited to the policing needs of Nova Scotia. We think that it reflects more general preferences among Nova Scotians for local autonomy, variety and choice, over more centralized and uniform forms of governance. Local communities in the province have varied identities with long historical roots and desire policing (and police institutions) which will be compatible with, and protect, those identities. As a result, we think there are strong arguments to be made for not abandoning the current mix of institutions which

make up the policing system in the province, or the current legislative framework which allows local communities to change their choices of policing institutions to meet changing circumstances.

For these reasons, we do not think that there is presently a need for, and we do not recommend, any fundamental changes in the overall structure of the present policing system in the province. We think it has served Nova Scotia quite well in recent years and may be expected to do so for some time to come.

We would add one qualification to this general statement. We do not feel that our study has been adequate to allow us to reach any firm conclusions, or to make recommendations with conviction, on the appropriateness or adequacy of the existing policing structures with respect to policing on Indian reserves in Nova Scotia. We recognize that residents on these reserves have very special policing needs which may well require quite different structures of policing in order to be effectively met. We are hopeful that the study of the special needs of the Micmac in Nova Scotia conducted for the Royal Commission by Dr. Scott Clark (included as Volume 3 of the Report of the Royal Commission) will provide the Royal Commission with the kind of information it will need in order to reach conclusions about, and make recommendations for, policing on Indian reserves, and that our report will be of assistance in this regard by indicating the more general structures within which any special provisions for policing on such reserves will need to be accommodated. We do not feel able to come up with any concrete conclusions or recommendations in this area other than our general conclusion that a philosophy of policing should be retained in Nova Scotia which gives priority to allowing local communities, within the constraints of some general provincial oversight and control, to choose policing institutions which they perceive as best suited to their needs. In this respect we would not accord to Indian communities any less autonomy and choice than we think should be accorded to other communities in the province. It is probably the case that Indian communities (particularly those on reserves) have not derived as much benefit from this general philosophy of policing up to now as have other communities in Nova Scotia.

Our own preference for a continuation of the current philosophy which favors local autonomy, variety and choice over more central control and uniformity does not mean that we think that changes in policing policy for the province, and in the way it is determined and implemented, are not required. What it means is that the principal thrust of the recommendations we make is to strengthen, build on and improve, rather than radically change, the basic structures which are now in place. In our view, significant reforms are desirable; revolutionary changes, however, are not needed.

While favouring local choice in policing policy and institutions, we also favour a more effective provincial presence and influence over policing policy than has been the case in recent years. In our view, this does not so much necessitate giving more powers or authority to provincial authorities as adopting reforms which will result in the existing provincial bodies more effectively exercising the powers and authority which they already have under the current legislative (and contractual, in the case of the RCMP) frameworks. For the most part, this requires giving these bodies the resources which they need to do properly the tasks they have always been supposed to be doing, and motivating them to do them. "Resources" in this context includes human as well as financial and other resources. Our recommendations consistently reflect our view that a philosophy of policing, however good it may be in theory, is of little value in the absence of the resources and will which are necessary to implement it. The provision and allocation of adequate resources for effective policing in the province must be a central concern of the Royal Commission in making its recommendations in this area, and of the Government of Nova Scotia in responding to them.

In keeping with the importance we attach to this question of resources, we have endeavoured, to the extent that time and resources available to us have allowed, to indicate in general terms what the cost implications of the recommendations we make could be expected to be.

On the question of community/political input and influence versus "independent" professional control over policing and policing policy, our view is that effective community input into the determination of policing policy and priorities should be encouraged as much as possible, and more so than appears to have been the case in Nova Scotia in recent years. Only through such input can the services which the police provide be effectively matched with the policing needs of the communities they serve, as perceived by those communities.

This kind of community input into policing policy and priorities, however, should not normally extend to influence over the disposition of individual cases with which the police must deal. There appears to be now, and should continue to be, a recognition of the great dangers to the liberty of individuals of such influence. We would not absolutely rule out the possibility or appropriateness of such community input, through the established channels of police governance, in very exceptional cases in which decisions which must be made could be expected to have unusually significant social or political consequences. However, the clearest and strongest presumption against such community involvement in decision-making with respect to individual cases must, in our view, be

maintained if the integrity of the administration of justice and policing is to be preserved.

Implementation of our philosophy with respect to the relationship between communities and their police forces will require high levels of accountability throughout the policing system as well as the creation and maintenance of structures which actively encourage the community input we favour. This in turn requires that the process of policy-making and implementation be more deliberate and open than it has been in the past in Nova Scotia.

Having said this, we would also stress the need to enhance the capacity of police managers to manage their organizations, and of those immediately responsible for police governance to govern their organizations, within the context of the effective accountability and community input we advocate.

We have identified some major failures in the management and governance of policing services in the province which will require the implementation of long-term improvements if they are eventually to be eliminated. In our recommendations, we identify the kinds of improvements which we think are required and the implementation strategies which will be needed to bring these about. Because some of these failures originate from long established practices and traditions of policing and police governance in the province, they will not be remedied overnight. We would emphasize, therefore, our view that in addressing these problems the Royal Commission should resist the temptation to opt for the kind of superficially attractive, "quick fix" solutions which are often advocated to deal with such problems. In particular, we would recommend that the Royal Commission pay especial heed to David Bayley's advice (Bayley, 1983) that while mechanisms of external review have an important place in any effective system of control and accountability for the police, establishing good systems of internal accountability and control is critical to achieving this goal and, if successfully accomplished, will prove much more effective and durable. Put another way, as His Honour Judge Rene Marin did in his excellent report on public complaints, internal discipline and grievance procedure within the RCMP (Commission of Inquiry, 1976), systems of accountability and control should be designed to encourage, build on and reward good internal management practices and local governance, rather than distrust and undermine them.

This approach, which is the one to which we adhere in our recommendations, is premised on the view that control and accountability of any organization is first and foremost the responsibility of the organization's management and governing authority, and only secondarily that of "external" bodies. Equally important, it recognizes that the establishment, from the bottom up,

of sound internal management and governance requires not only the development of competence and expertise but also the instillation of a sense of self-worth, self-confidence and responsibility among managers and governing authority members. The careless imposition of heavy-handed and insensitive external review and control mechanisms can sometimes inhibit rather than encourage the development of these important characteristics. What needs to be sought is a balanced set of internal and external mechanisms of control and accountability which will work together, rather than in opposition to each other, in generating and maintaining public confidence in the policing services in the province. There are no "instant recipes" for achieving this goal.

Because we believe that effective control and accountability will be most successfully built from the bottom up rather than imposed from the top down, we begin our conclusions and recommendations by looking at the police forces themselves, then move up the control and accountability ladder to consider secondly the role of local police governing authorities, and lastly the role of provincial agencies.

10.4 The Police Forces

10.4.1 Organization of Policing

In determining the policy implications of this study, the contrast in organizational styles represented by the RCMP and the various MPDs must be recognized. The RCMP embodies many of the basic organizational ideals of our society. The formalization, specialization, and professionalization of the RCMP are traits usually associated with more efficient, modern organizations, and the MPDs, which are generally less "modern" in these conventional senses, are now under considerable pressure to adopt a more bureaucratic form. However, there is evidence that the more traditional MPDs are also more politically responsive at a local level and have the potential for more effective community input than does a nationally-based police force. As suggested above, we believe that the current mix of RCMP and MPD services provides a complementary system in which the better aspects of both types of police organizations may be utilized.

One of the real strengths of MPD organization - its orientation to providing immediate response to citizen and community concerns - is also a source of some weakness. The focus of most MPDs on providing immediate responses to difficulties as they arise means that they are not as inclined to undertake long-term planning. Nor are they as likely to do systematic evaluations or audits of their performances. The fact that top leaders in the MPDs have tended to be selected for their ability to respond successfully to immediate problems or crises reinforces these tendencies. There is some need for MPDs to have more deliberate planning processes and

monitoring of the successes and failures of departmental plans. This planning should involve the specification of departmental goals and priorities. It should also lead to the construction of an objective set of job descriptions, job standards, and appraisal systems for evaluating job performances. It should be possible for the NSPC to facilitate the introduction of more deliberative planning mechanisms for MPDs, and for setting up periodic evaluation of the performance of MPDs which use MPD plans as a basis for review (see below). There will probably be some start-up costs involved here, but once the system is established, it should function smoothly.[94]

94. There are several police forces in Canada which have moved towards more explicit planning processes, and from whose experience police forces in Nova Scotia could usefully draw (see e.g. Sayle, 1988, on the experiences of the Halton Regional Police Force). The notion of periodic reviews would remove some of the adversarial elements now present in reviews which are conducted in response to particular problems.

Recommendation 1

We recommend that municipal police departments (MPDs) should establish departmental plans which include a clear definition of departmental goals and priorities, a formal system of job descriptions, job standards, and appraisal systems for evaluating job performances. MPDs which lack written recruitment, training, and promotions guidelines should establish them. The Nova Scotia Police Commission should show leadership in fostering the adoption of model protocols for such standards.

10.4.2. Remuneration and Benefits

While we have not undertaken an extensive examination of the role of unions in provincial policing, we do believe the overall impact of the unions has been a positive one and has contributed significantly to the development of quality policing in the province. However, the unions have expressed some interest in retaining seniority as a criterion in decision-making processes. This concern will discourage the use of meritocratic criteria in MPD affairs. We expect that implementation of the various recommendations being made here will make it possible to eliminate favoritism and thus diminish the union commitment to seniority.

The evidence presented in Part 7 demonstrates that small MPDs with low pay standards have the least qualified personnel. There were also suggestions in our department interviews that relatively low pay standards have negative effects on morale and generate considerable resentment towards better paid members in the RCMP and in other MPDs. MPDs outside the Halifax-Dartmouth metropolitan area, particularly the small ones, should be encouraged to improve their pay standards (bearing differential living costs in mind). This will require provincial financial support, but it will help ensure the quality and morale of the new personnel joining MPDs.

As we demonstrated in our analysis above, there is a marked tendency for low member salaries to be concentrated in MPDs outside the Halifax-Dartmouth area, particularly in the smaller MPDs (less than ten members). From an examination of the individual responses for MPD members who have served three or more years, we estimate that 22.3 percent of the MPDs members other than those in Halifax and Dartmouth make less than $29,000 per year. Our data show no members with three or more years experience in the Halifax MPD, the Dartmouth MPD, or the RCMP, making less than this amount. If one begins to improve salaries in a modest fashion by bringing up the floors for salaries to a minimum of $29,000 for those with three years service we estimate the salary bill across the province would increase by approximately $260,000 (for 301 members).[95]

Recommendation 2

While we recognize that this is only a first step in improving the quality of police services in the province, we recommend that smaller MPDs with lower salary levels should have provincial support to move towards higher pay standards. The initial goal of this change should be to bring all salaries to the $29,000 level.[96]

Another issue which needs to be addressed at the MPD level concerns the adequacy of pension plans. Of all the problems identified by an earlier government review of police services in Nova Scotia (Government of Nova Scotia, 1974), it is the level of pension plans of police officers which has been improved least.[97] Poor pensions affect recruitment, lower morale, and force older men who ought to be moving towards retirement to continue working. A substantial majority of the MPDs now have pension plans. These plans are run either as part of more general municipal government plans, through specific life insurance or trust companies, or through PANS. The majority of them involve matching contributions from employers and employees, with five percent being the most common matching proportion. However, many of them, particularly in the smaller Departments, are quite new. As a consequence, older members of the MPDs stand to gain little from the plans. Several MPDs mentioned that they have older members who are finding the physical rigors of front line work difficult to handle, but have to remain at their jobs to survive financially. An additional problem for many MPDs arises from the considerable penalty clauses for early retirement (almost always defined as prior to 65 years of age).[98] The penalties have been described in some instances as "hefty" or "very heavy", and will keep members working independent of other

95. This calculation, which is based on 1987 data, assumes that all other members of MPDs who are affected by the improved floors receive an equal dollar increase in their salaries. These salary increases would mean an increase in total budgets of less than four percent for eight MPDs, and between four and eight percent for six MPDs. Ten MPDs would be unaffected. The Province would have to give particular attention to the six MPDs which have increases over four percent because they are all small ones located in municipalities with limited resource bases. If one were more generous about these amounts, and raised the floor to $30,000 or $31,000, the respective bills for these two levels would be approximately $471,000 or $724,000. Fully 40.6 percent of MPD members outside Halifax and Dartmouth earn less than $31,000.

96. We reject the notion that police salaries must be kept in any strict line with other municipal salaries. Police work is demanding work which should normally involve the prospect of relatively early retirement.

97. One Chief regards the continuing problems with MPD pensions as the clearest indication that "municipal policemen have always been second-class citizens" in the general area of public service.

98. Both the Dartmouth and Halifax MPDs have "85" rules, which stipulate that one can take regular retirement once one has reached 55 years of age and accumulated 85 years of service and age.

considerations.[99] In addition, poor pensions have other, indirect effects which may also be harmful to the quality of police work in the province. Having older officers who cannot afford to retire also creates blockages in promotion possibilities and individuals who may require a disproportionate share of the opportunities to upgrade existing skills.

Given the complex technical issues involved in pension reform, and the limited time available to us for our study, we are not able to make a detailed recommendation in this area. Nevertheless, it is clear that some concrete action is required.

99. By contrast, RCMP members normally retire after 25 years of service with pensions at 50 percent of the average of their best six years. If one retires early (after 20 years or more), there is a penalty clause of two percent per year.

Recommendation 3

The Nova Scotia Police Commission, with its renewed research mandate, should undertake a comprehensive evaluation of MPD pension plans in cooperation with Chief of Police Association of Nova Scotia, Canadian Union of Public Employees, Police Association of Nova Scotia and the proposed Association of Municipal Police Governing Authorities (see Recommendation 16). Special attention should be devoted to providing retirement packages for MPD members over 50 years of age, and the removal of penalty clauses for early retirement.

10.4.3 Recruitment

We have reviewed existing recruitment standards and, after examining the data on recent recruits, we find that the province generally seems to be getting a reasonable quality of new personnel (this is not equally true for visible minority recruits). Nevertheless, there is still some room for improvement in the application of new recruiting and selection procedures.

Recommendation 4

The Government should ensure that adequate resources are available to implement fully the NSPC recruiting and selection procedures for MPDs.[100]

100. In making our recommendations with regard to the staffing of the NSPC (below), we have taken the resource requirements for this recommendation into account.

The analysis we have presented above shows that Nova Scotia's MPDs are generally as progressive as those elsewhere in the country (and in some instances, more progressive) in recruiting members of visible minority groups. The RCMP has seven Indian Special Constables and one Native Indian serving as a regular member. The various MPDs have 11 Blacks and one Native Indian on their forces.

Furthermore, these minority group members are generally employed in communities which have larger minority group populations. Nevertheless, there are still units which are nowhere close to being representative of the communities they serve.[101]

101. This point can easily be extended to other areas of municipal and provincial government employment.

Recommendation 5

Recruitment of visible minority group members and women should be actively encouraged by both police and government organizations. Both the RCMP and MPDs in the province should establish specific recruitment targets which reflect the distribution of various minority groups in the population. The analysis of these concentrations (which is outlined in Appendix 18) should be carefully consulted.

Recommendation 6

Particular attention should be given to using outreach recruitment methods (have visible minority or women officers involved in recruitment, build up contact with minority communities and womens' groups to facilitate recruitment). The guidelines prepared by the Greater Toronto Region Working Group on Policing in Multicultural, Multiracial Urban Communities (see Bibliography) on the recruitment and selection of visible minority police officers should be circulated to all relevant police organizations in the province.

We are not persuaded that these changes in recruitment practices will do much by themselves to improve police/minority relations, but there are reasonable justifications for doing so on affirmative action grounds given that requisite training standards are met. However, such recruitment should not be regarded as an alternative to, or substitute for, more adequate consultative processes between the police and minority communities, or more adequate visible minority community representation in the governing mechanisms which directly affect police behavior (see below).

10.4.4 Training

In terms of MPD training, we would affirm the need to utilize a regional Police Academy, as well as other available institutions, to establish and maintain the standards being developed by the NSPC. The region is sufficiently small that any attempt to decentralize training will jeopardize what has been accomplished to date.[102] We think that any attempt to circumvent these modest standards will

102. As Grant observed in his earlier study, "the number of municipal police officers in the four Atlantic Provinces produces a number similar in size to the viable B.C. situation, but each province alone falls below what is Canada's smallest centralized training system, namely Saskatchewan, which may, itself, be on the small-side for producing a fully integrated set of programs, particularly at the in-service level" (1982:45).

affect the quality of police services in Nova Scotia.[103] Criticisms have been made of the training offered by the Atlantic Police Academy in terms of its technical orientation, the costs to the Province of Nova Scotia for this training, and the ability of the Academy's instructors to deliver up-to-date educational materials. While we are not in a position to pass judgment on the last criticism, we would point out that the Academy has increased its human relations training considerably and has supported the creation of new programmes in Nova Scotia which are designed to augment the liberal arts education of MPD members. We would also suggest that any attempts to create an autonomous training establishment in Nova Scotia would meet political resistance from the other Maritime provinces. Such attempts, which could reasonably be expected to be centered in the Halifax-Dartmouth area, may also encounter problems with support and participation by MPDs outside the Metropolitan area. Given the criticisms which are circulating in Nova Scotia about program costs and the curriculum content, we are pleased to note that the Solicitor General's Task Force on Municipal Police Training is currently involved in a critical appraisal of the training provided by the Academy.

103. The recent discussions ("The Daily News", April 28, 1988, p. 7) in the Halifax Police Department about returning to short-term in-house training of cadets cannot be viewed positively. Short-term (or long-term) personnel difficulties must be addressed in more deliberate planning and supported by local and provincial government.

Recommendation 7

The Solicitor General's Task Force on Municipal Police Training should combine its study on training with an assessment of the existing studies on the financial costs to the Province of Nova Scotia for the Atlantic Police Academy's programmes.

Regardless of any decisions about the location of the regional academy, discussion of this and related issues should not be used as grounds to delay implementation of other aspects of training policy which have been long expected.

Our specific findings on training, which we discussed above, indicate that RCMP members tend to have more in-service training than do their MPD counterparts. However, given the more specialized nature of some RCMP work tasks, the differences are not so great as to suggest any major deficiencies in MPD in-service training. In particular, Nova Scotia MPDs have been expanding their in-service training considerably over the last decade, and the investigative upgrading is generally being rationally distributed among the relevant MPDs.

Recommendation 8

Given the general absence of relevant information on the topic, the Solicitor General's new Task Force on Municipal Police Training,

as well as the data gathered as part of this study, should be utilized to establish an ongoing system for monitoring levels of training in the province which can be maintained by the Nova Scotia Police Commission. This system should incorporate clear definitions of the types of training appropriate for the needs of particular members, Departments, and Detachments.

Recommendation 9

In light of the concerns of this Royal Commission about police relations with minority groups, and given the widely-recognized finding that human relations materials are best learned as part of an integrated curriculum, the Atlantic Police Academy should include human and minority relations content in all its courses.

10.4.5 Investigative capacities

In terms of investigative capacity and organization, it is clear that the high level of autonomy in detective work which existed in Sydney in the early 1970s does not currently exist in the province.[104] Serious criminal investigations are now subject to closer scrutiny by senior members of all MPDs in the province. However, as discussed above, most MPDs still have not established formal policies or reporting procedures for investigative work.

Recommendation 10

In keeping with Recommendation 1 regarding department plans (p. 138), MPDs should cooperate with the Nova Scotia Police Commission to produce a uniform set of guidelines for investigative work.[105]

There are a few other areas of concern which also deserve some comment. First, there is still a considerable number of older officers in various MPDs who have comparatively low skill levels in investigative matters. While the problem will be gradually resolved by the increased training of newer members, it may still be desirable to encourage some of these individuals to improve their formal training. Second, there are a number of very small MPDs (less than ten sworn members) whose capacity to carry through on serious criminal investigations is limited. While they are generally quick to rely on nearby RCMP detachments for assistance, it is advisable that these Departments have individuals with some theoretical and practical skills in investigative matters as long as they have responsibility for serious crimes in their jurisdiction.[106] Third, there

104. One informant of ours reports that this situation was unusual even for that period of time in the province.

105. Interested parties should consult the Operational Manual prepared by the New Brunswick Police Commission (New Brunswick Police Commission, 1987) for suggestions on the content and organization of such guidelines.

106. One such Department has been moving vigorously in this direction over the past few years.

are a number of moderately-sized MPDs (11 to 50 sworn members) which are now moving towards the internal development of specialized investigative capacities. To the extent that they continue moving in this direction, they should be careful to impose systematic administrative procedures and monitoring on such work. Where MPDs have the responsibility for the investigation of serious crimes, including murder and attempted murder, this work must be subject to close scrutiny by senior members of the Department.[107]

Recommendation 11

The Nova Scotia Police Commission should undertake a systematic evaluation of the investigative capacities available in all MPDs in the province. This evaluation should be coordinated with periodic reviews of the MPDs.

Recommendation 12

The current standing directive on MPD responsibilities for the investigation of murder and attempted murder should be regarded as a flexible directive which may change to reflect alterations in MPD investigative capacities. This may involve broadening the scope of exemptions, or it may lead to the inclusion of other serious crimes in the list of offences which some MPDs may not be able to handle.

10.4.6 Police/minority relations

Our analysis of the Charter Project data on police racial attitudes, as well as our qualitative data from Nova Scotia, suggest that we can anticipate the continuing existence of negative perceptions of visible minorities. Given prevailing community norms to which police must be sensitive in their work, there will be ongoing pressure for both MPDs and the RCMP to regard visible minorities as groups requiring special attention and control. Insofar as the police share community norms, which are prejudiced in a variety of ways, there will be no easy solutions for police/visible minority group relations.[108] Some of the programmes discussed above are a move in the right direction, but the prospect that another Marshall case may occur because of negative attitudes Whites have towards visible minorities in Canada is one which must be taken seriously.[109]

Given the general interpretations, or explanations, for these perceptions which are commonly held in the police community, and society at large, we can also expect ongoing resistance to the idea that extra efforts may be required to provide adequate policing for

107. It seems unlikely that the Marshall case could have proceeded as far as it did if adequate measures had been taken to secure and collect evidence, and if (then) Sergeant of Detectives MacIntyre's activities had been carefully checked by his senior officers.

108. One should also not ignore the other social dimensions which define groups as more marginal. In this particular instance, Donald Marshall's socio-economic status, or class background, is also a factor.

109. Recent events in Montreal, Toronto, and Winnipeg illustrate this point.

minority communities. Nova Scotia's MPDs are now moving to provide some of their members with more training in multicultural issues, and are doing more to recruit actively in minority communities. However, there is still a considerable distance to go in both areas, and MPDs will require both encouragement and financial support to make improvements in these areas. Given the greater geographic mobility of RCMP personnel, it is particularly important that members being posted to areas of minority concentration be given additional multicultural training.[110]

110. There is some evidence the RCMP gives considerable attention to experience with visible minorities in making new postings.

Recommendation 13

In view of the distribution of visible minority group members discussed above, and the shortfalls now evident in police/minority relations in the province, special attention should be given to more intensive training for cadets whose first assignment will be in areas of high visible minority concentration. In addition, RCMP Detachments and MPDs located in areas of high visible minority concentration should allocate proportionally more of their resources to multicultural training. This training should recognize the considerable differences in the situations and experiences of different visible minority groups in the province. Detachments and MPDs should be individually responsible for ensuring that training in minority issues is delivered on a timely basis. The NSPC should monitor Detachment and MPD performance in this area.

Recommendation 14

While we recognize that negative racial attitudes go beyond questions of stereotyping, all MPDs should promulgate official policies against racism and sexism similar to the ones currently employed by the RCMP (RCMP Administration Manual III.9) or the Metropolitan Toronto Police Force (Standing Order Number 24).[111]

111. We are aware that there are a series of skeptical questions one can ask about the recommendations in this section on the police forces (Ratner and McMullan, 1987). It has been argued that better educational backgrounds and training may serve to create a professional image for police work which does more to change the appearance than the reality of police culture and procedures (Ericson, 1981:222). Increasing professionalization may also legitimize more autonomy and independence for police organizations at the expense of public accountability. Further, the recruitment of minority police officers may do little to alter the structural relations between police organizations and the visible minority groups with whom they interact (Lee, 1981). Each of these questions raises reasonable doubts about the potential effects of specific reforms. We would, at least in the short-term, prefer to regard these questions as cautions which one should use in evaluating the changes which are implemented.

10.4.7 Regionalization of policing

On the basis of the short study we have been able to undertake, we are not able to make any detailed recommendations with respect to possible regionalization of policing in Nova Scotia. It is clear, however, that general proposals for such regionalization (and in the case of Cape Breton, some quite specific ones) have been around for a long time in the province and that they do not appear to have received the attention or priority which they deserved from the Provincial Government.

Our limited research on this issue indicates that many people (in fact almost all of the people we interviewed) feel that some regionalization of existing municipal policing services would be beneficial, and that the reason this has not yet occurred derives from a combination of a lack of sufficient "political will" and a lack of sufficient incentives by way of financial assistance from the Province.

A problem, of course, is that, as the experience of other jurisdictions clearly shows, true regionalization of policing services almost never occurs other than in the context of more general regionalization of local government. Indeed, one could anticipate that the difficulties of establishing and maintaining regional police forces in the absence of more general structures of regional government would be very substantial indeed, whatever the inherent merits of regional policing might be thought to be.

In the time available to us we have not been able to explore the extent to which there is or is not support for more general regionalization of local government within Nova Scotia, although the apparent lack of enthusiasm for the recommendations of the Graham Commission in the mid-1970s raises questions about the political viability of such proposals. In this light, it would not be realistic (even if it were possible) for us to make any positive recommendations with respect to the implementation of regionalization of policing in Nova Scotia at this time.

Two things about this subject are clear, however. In the first place, there has not yet been adequate examination and debate within Nova Scotia of the possible advantages and disadvantages of some regionalization of policing within the province, either in general terms or (with the exception of the Cape Breton study) with reference to particular areas. Given the evidently widespread view that some regionalization of policing would be beneficial in Nova Scotia, we believe that the Provincial Government should assume a leadership role in initiating and encouraging more detailed examination and debate of the possibilities in this area.

Secondly, it will be very clear that regionalization of policing, if it is to be accomplished at all, will require joint leadership from the Department of the Solicitor General and the Department of Municipal Affairs. Indeed, when regionalization was introduced in the Province of Ontario in the 1970s, this was the case; the studies on which proposals were based were initiated by the Department of Municipal Affairs rather than by the new Ministry of the Solicitor General.

As we noted above, the Government of Nova Scotia, in the Throne Speech in February 1988, indicated that it intends to initiate a "comprehensive review of police services in Nova Scotia". Our

interviews with the new Deputy Solicitor General indicated that the two studies which her Department have initiated have rather more modest objectives than this - specifically to review "the role of the Provincial Government in policing and consequent bureaucratic needs", and "police training needs and delivery within the province". The former of these two studies, we were told, would be undertaken by Management Board "and others".

We believe that the kind of comprehensive review of the organization and delivery of police services within the province which seemed to be being promised in the Throne Speech is now needed in Nova Scotia, and that the issue of regionalization should be a central concern of such a review. We think that the responsibility for initiating such a review should be shared between the new Solicitor General's Department and the Department of Municipal Affairs, with the participation of the Nova Scotia Police Commission, the RCMP, the representative organizations of municipal policing (Chiefs of Police Association of Nova Scotia, Police Association of Nova Scotia, Canadian Union of Public Employees), and the Union of Nova Scotia Municipalities.

Recommendation 15

A joint Task Force should be established by the Solicitor General and the Minister of Municipal Affairs, with representation from the Nova Scotia Police Commission, the RCMP, the representative organizations of municipal policing, and the Union of Nova Scotia Municipalities, to examine the organization and delivery of policing services within the province, and in particular to consider and review the desirability and feasibility of some regionalization of existing municipal policing services in the province, and to make recommendations to the Government on these matters.

Although possible regionalization should be a central concern of such a review it should also examine other, less comprehensive collaborative arrangements which might beneficially be established or further developed between existing municipal police forces and the RCMP to improve the quality and efficacy of the delivery of policing services in the province. Such a review should explicitly consider the experiences of other jurisdictions in this regard.[112]

A matter directly related to the question of regionalization is the question of the adequacy of policing services currently provided to certain unincorporated suburban communities through the Provincial Policing Agreement. As urbanization increases in these communities, they require and demand more "urban-style" policing services. Yet currently these services are being provided through provincial

112. The regionalization of policing services in Beresford and Rothesay in New Brunswick may well be worth some examination in this context.

policing resources which are designed primarily to provide policing in rural areas. Related to this matter is the perceived inequity of the current funding situation, whereby cities and towns which provide their own police forces must pay for them directly, while rural municipalities receive provincial policing services at no direct cost to themselves. As we noted above in our report, this sense of inequity is most strongly felt by municipalities which can be described as regional "hubs" and which consequently police a population that is considerably greater than their resident population.

The time constraints within which our study had to be completed did not allow us to address these issues in the kind of depth required. They are clearly important issues and should be examined as part of the review which should be conducted by the joint task force which we have recommended.

10.5 Municipal Police Governing Authorities

We were unable to undertake in-depth research into the functioning either of municipal Boards of Police Commissioners or of municipal councils or their committees, as municipal police governing authorities. Even our limited inquiries in this area, however, have suggested avenues for improvement.

Our research indicates that there is an absence of adequate standards, guidance and support for municipal police governing authorities. Although the Nova Scotia Police Commission provides support in various ways to local police governing authorities - for instance, in promulgating a model by-law, in making available a short guide for new members of police boards, and by providing assistance to them in the selection of Chiefs of Police and through assessments of their police departments - this level of support has so far been uneven and insufficient. In this connection, we could not help being struck by the number of chairmen of police boards whom we interviewed who indicated little knowledge of the Nova Scotia Police Commission or of the services it provides.

As far as we have been able to discover, municipalities which are policed by the RCMP receive practically no advice, assistance or support from the Nova Scotia Police Commission or elsewhere with respect to the fulfillment of their responsibilities under the *Police Act*. This is not a satisfactory state of affairs.

We believe that one of the best vehicles for developing standards for municipal police governance would be an active association of municipal police governing authorities which would provide a forum for the sharing of common experiences and problems and the development of common solutions to these problems. The Association of Municipal Police Authorities in Ontario provides an encouraging example of the potential benefits of such an association.

Recommendation 16

An Association of Municipal Police Governing Authorities of Nova Scotia should be formed, with a small staff (e.g. a full time Executive Director, a Research Officer and a Secretary), and with a mandate to provide advice, information and educational services (e.g. through an Annual Conference, regional meetings, etc.) to municipal police governing authorities throughout the province. The Association should be funded by municipalities throughout the province, but should receive substantial financial assistance from the Provincial Government. Any member of a municipal police governing authority (whether the municipality is policed by a municipal police department or the RCMP) should have the right (and be encouraged) to join the Association.

We estimate that this organization, to be effective, will require a budget of between $80,000 and $100,000 per annum when it is fully established, and we recommend that 50 percent of this budget be provided from provincial funds, and the other 50 percent from contributions by municipalities (perhaps organized through the Union of Nova Scotia Municipalities). A realistic timetable for the establishment of the Association needs to be drawn up. We would recommend a gradual building up of the Association over a five-year period, which would mean somewhat lower costs during the initial phases of its establishment. It may be that the staff functions of the Association can be performed by an Executive Director without the assistance of the full time Research Officer which we have recommended. We suspect, however, that over time the demands which will be made on the Association by its membership will be such that this second staff position will need to be filled. In any event, when spread across the large number of municipalities which could benefit from the activities of the Association, we do not think that the costs to individual municipalities in maintaining it will prove to be particularly onerous. Indeed, if it is effective, the activities of the Association may well be expected to result in net savings to municipalities with respect to their overall policing costs.

The possibility of organizing occasional workshops for municipal police governing authority personnel throughout the Atlantic Region at the Atlantic Police Academy, at which mutual problems and ideas could be shared and discussed, should also not be overlooked. The Nova Scotia Government should explore this possibility with the Director of the Academy.

Given the dominance of municipal police governing authorities by elected politicians, there is, we believe, a need for clear legislative prohibitions against personal interference in the running of police

forces by individual councillors or other officials. Police chiefs should only receive directions or instructions which emanate from their governing authorities acting in their corporate capacity, and police officers should only receive directions and instructions from their senior officers.

Recommendation 17

The Police Act *should be amended to make it clear that it is unlawful for anyone other than a police officer of the same force to issue any order, direction or instruction to any member of a police force relative to their duties as members of the force, except when communicating a decision of the force's lawful governing authority, and that a governing authority shall only issue such directions, etc., to the Chief or someone who is acting in the Chief's stead. Those provisions of the* Police Act *which currently permit the Attorney General to issue directions to police officers should be altered to permit the Attorney General to issue such directions only to a Chief of Police or someone acting in the Chief's stead.*

Because we have not had the opportunity to examine in detail the functioning of municipal police governing authorities in the province, we do not feel able to make any other recommendations in this area.

10.6 The Nova Scotia Police Commission

As we have indicated in our earlier analysis, the Nova Scotia Police Commission appears to be the only agency in the province at the present time which has the potential for performing oversight, research, planning and policy development functions with respect to policing in the province. In our view, its legislated mandate (especially since the passage of the 1985 amendments to the *Police Act*) is more than adequate insofar as municipal police departments are concerned. Indeed, its problem in this regard seems to be that it has a broad mandate but insufficient leadership and resources to carry it out.

The reluctance of the Police Commission to concern itself more directly with respect to the provincial policing services provided by the RCMP, however, constitutes another major impediment to the Commission becoming a source of effective police policy planning and development for the province. As we have noted in our review of the current case law in this area in Appendix 6 we believe that the Province has been unnecessarily reticent in this regard.

It has been suggested to us by the Deputy Solicitor General that with the recent establishment of the new Police Review Board as an independent body to handle public complaints and matters of internal

discipline against police officers, "it could be argued that...all other functions of the NSPC could be administered by the Department of the Solicitor General" (Cooper-Mont to Briggs, 5/10/88, p. 4). *We cannot overemphasize our opposition to any such proposal to abolish the Commission and have its remaining functions absorbed by the Department of the Solicitor General. We would regard this as a most retrogressive step for policing in Nova Scotia.*

As we have indicated earlier in this report there were sound reasons for the original establishment of provincial police commissions, in Nova Scotia and elsewhere in Canada, as separate organizations with a measure of independence from the government ministers and departments responsible for policing. These reasons are as relevant and cogent today as they were when these bodies were first established. If the current philosophy of shared responsibility for policing in the province, with its preference for local autonomy, variety and choice, is to be continued, as we recommend, the need for a relatively independent agency such as the Commission is compelling.

Provincial police commissions were originally designed as vehicles for the provision of independent advice, assistance and monitoring both to provincial authorities responsible for policing and to municipal authorities with such responsibilities. These services cannot be effectively and credibly provided by persons who are part of, and under the dictates of, one party (the Provincial Government) to this collaborative provincial-municipal team. The essential benefit of provincial police commissions, when they are functioning as they should, draws from their ability to function as sources of independent advice and assistance in resolving the kinds of tensions which inevitably arise between provincial and municipal authorities out of their shared responsibilities for policing. Any attempt by the Department of the Solicitor General to assume the role of the Commission in this respect will fundamentally erode this important source of independent advice and assistance. Furthermore it would likely involve considerable loss of effectiveness (since Departmental staff will always be working within the context of conflicting demands on their time arising from the other responsibilities of the Department), and little or no savings in costs (since presumably the same resources will be required to do the work which has to be done, and they will not cost significantly less if provided to the Department than if provided to the Commission).

Our recommendations, therefore, are directed towards strengthening the Commission and providing it with the additional resources which are required to make it a more effective instrument of oversight and policy with respect to policing in Nova Scotia.

Recommendation 18

The Chair of the Commission should be restored to a full time position, with the incumbent being a person who has demonstrable experience both with respect to policing issues and as a senior administrator.

Recommendation 19

In addition to the Chair, there should be four part time members of the Commission, selected in such a way that together they provide as diverse a representation of the public interest in policing as possible. At least one member of the Commission should be a representative of one of the visible minority groups in the province, and at least one should be a woman. Community involvement, experience and contacts, rather than experience with policing as such, should be the main qualification for appointment as a member of the Commission.

Recommendation 20

An experienced administrator should be appointed as Executive Director of the Commission, with responsibility for day-to-day supervision of its administrative operations. The Executive Director would also be responsible for all those aspects of the Commission's mandate which are not assigned to one of the four Directors whom we recommend should be appointed (see Recommendation 21).

Recommendation 21

In addition to the Executive Director, the Commission should have four Directors: a Director of Research, Information and Statistics, a Director of Training and Personnel Development, a Director of Advisory Services, and a Director of Security Services.

Recommendation 22

The Police Act *should be amended so that the Commission is not responsible for providing investigative services to the Police Review Board.*

Recommendation 23

A Research Officer should be appointed to assist the Director of Research, Information and Statistics. The Director of Research, Information and Statistics should be required to develop an annual

research plan for the Commission, which will identify priorities. This plan should be submitted to the Commission for its approval and should thereafter be circulated to the members of the Policing Policy Advisory Committee (the creation of which is proposed in Recommendation 33) for their information, reaction and comment. A modest budget should be ear-marked for the implementation of the research plan.

Recommendation 24

Appropriate computer facilities should be made available to support the performance of the Commission's research, information and statistics functions. Micro-computers should be adequate for these purposes.

Recommendation 25

Three Advisors should be appointed to assist the Director of Advisory Services in carrying out the Commission's responsibilities to give advice and assistance to municipal police forces and their governing authorities.

Recommendation 26

The authority of the Commission to conduct assessments, evaluations and inspections of municipal policing services (authorized by paragraph (da) of Section 7 of the Police Act*) should be fully exercised by the Commission through the Director of Advisory Services and the three Advisers. Each municipal police department should be the subject of an annual assessment by the Commission in the exercise of this authority. The Director of Advisory Services and his/her staff should be directed to develop, in consultation with the police community and the Association of Municipal Police Governing Authorities, standard criteria and procedures for such assessments, which should be approved by the Commission before they are implemented. All such assessments of police departments should be reviewed and approved by the Commission before being transmitted to the police forces and governing authorities concerned.*

Recommendation 27

The Solicitor General should require the RCMP acting within the province, under the terms of the Provincial Policing Agreement and Municipal Policing Agreements, to provide the Commission, on an ongoing basis, with such information about the operations of the

RCMP in the province as it may reasonably require in order to be able to develop and plan rational policing policy and an adequate police information system for the province.

Recommendation 28

The Commission should develop and maintain close liaison with officials of the Department of Municipal Affairs, with a view to developing a more rational basis for provincial financial assistance for municipal policing services and, in particular, relating such assistance to the annual assessments of such policing services undertaken by the Commission. Serious consideration should be given to providing such assistance through conditional rather than unconditional grants, as at present.

Recommendation 29

The Director of Training and Personnel Development should normally represent the Government of Nova Scotia on the Advisory Councils of the Canadian Police College and the Atlantic Police Academy.

Recommendation 30

The Chair of the Commission (and if possible other members of the Commission) should continue to attend the Annual Meetings of the Canadian Provincial Police Commissions and, together with the Executive Director, maintain ongoing liaison with their counterparts in other provincial jurisdictions.

Recommendation 31

The Commission should be provided with adequate secretarial and other support staff to service its professional staff in the performance of its functions.

It will be obvious that implementation of our recommendations with respect to the Commission will necessitate a major commitment of additional resources to this body. We need not repeat here the reasons why this has become necessary. Suffice it to say that the Commission has been under-resourced since its inception, and the situation has been allowed to deteriorate further in recent years.

We recognize that it is not realistic to expect that this situation can be remedied overnight in a small province with limited resources. The building up of the Commission into the effective organization it was originally supposed to be, therefore, can be expected to involve

Recommendation Costs		
1.Salaries*		
Chairman	$50,000**	
Executive Director	$55,000 -	$60,000
Director	$40,000 -	$45,000
Advisors (x3)	$30,000 -	$35,000
Research Officer	$30,000 -	$35,000
Secretary	$20,000 -	$22,000
Total Salaries	**$285,000 -**	**$315,000**
+ Fringe Benefits (@ 20%)	**$57,000 -**	**$63,000**
Total Salaries		
+ Fringe Benefits	**$342,000 -**	**$378,000**
Per diem stipends	**$6,000**	
Total Salaries, Fringe Benefits,		
+ Per Diem Stipends	**$348,000 -**	**$384,000**
2.Travel Expenses		
For Commission Members	$4,000	
For Advisors	$10,000	
Total Travel Expenses	**$14,000**	
3.Computers		
3 micro-computers @ $2,500	$7,500	
Supplies (disks, etc.)	$2,500	
Total Computer Expenses	**$10,000**	
4.Research		
Funds to support in-house and/or contracted research	$20,000	
Grand Total	**$392,000 -**	**$428,000**

* We have not been able to confirm the accuracy of the salary ranges on which we have based these estimates.
**assuming present incumbent is receiving $20,000 per annum

a gradual process which will be accomplished over a number of years. We do not have available to us the detailed information which would be necessary to enable us to recommend how this can best be achieved, but we can indicate in general terms what level of costs might be involved and what priorities should be adopted in the gradual implementation of our recommendations.

Our recommendations involve the conversion of the Chairmanship of the Commission back to a full time position. Since we do not know what remuneration the current Chairman is receiving, we cannot estimate what additional cost this would involve. We would assume, however, that in this day and age, a full time Chairman of the calibre we have in mind would not be attracted to the position for a salary of less than $70,000 per annum.

We also recommend an increase in the number of members of the Commission (other than the Chairperson) from two to four. Assuming that the Commission continues to hold approximately ten, one-day meetings each year, our recommendation would necessitate an additional 20 per diem stipends per year. We have learned that the per diem stipend in 1986 was recommended at $250. Assuming that by now it will have climbed to $300, the additional cost of this recommendation could be expected to be $6,000. Additional expenses incurred by out-of-town commissioners could be expected to involve another $4,000 per annum, making the costs of this recommendation approximately $10,000 per annum.

We have recommended a substantial increase in the professional staff of the Commission. This involves reinstating the position of Executive Director, increasing the number of Directors form three to four, and adding three Advisors and one Research Officer. Our recommendations also anticipate the addition of one secretarial

position. On this basis, we calculate the additional costs of our recommendations in the Table on the previous page.

It will be seen that full implementation of our recommendations would involve an approximate doubling of the current budget for the Commission. We would suggest that these changes could be implemented over a five-year period, as follows:

Year 1
Appoint Chair, Executive Director and one Advisor
Purchase one micro-computer

Year 2
Appoint additional Commission Members (two), one Director, one Advisor
Purchase one micro-computer

Year 3
Appoint one Advisor and one Secretary

Year 4
Appoint one Research Officer
Purchase one micro-computer

Year 5
Implement research budget.

10.7 The Department of the Solicitor General

The Department of the Solicitor General now has the primary responsibility for generating, approving and implementing provincial policing policy. This responsibility does not appear ever to have been adequately fulfilled during the years when it was that of the Attorney General's Department. Our research on this reveals a history of what can most charitably be described (as it was by one senior official in an interview with us) as "benign neglect". With the establishment of the new office and Department of the Solicitor General has come the opportunity for a new beginning. Certainly many of those to whom we spoke have such hopes of the new Department.

Our review of the new Department's budget for 1988/89, however, does not inspire confidence that such new beginnings are on the immediate horizon. What is needed, we believe, is the creation of a senior position within the new Department whose holder will have exclusive responsibility (*i.e.* exclusive of any other responsibilities) for policing policy and the fulfillment of the provincial role in this regard.

A first priority for the Department should be to identify and clearly articulate what that provincial role will be. It is gratifying to learn that one of the two studies which the Department has recently launched is being devoted precisely to this need.

It will already be apparent that we envisage the Nova Scotia Police Commission as having a major role to play in developing provincial policy with respect to policing. Nevertheless, the Solicitor General remains the executive authority with ultimate responsibility for determining and approving the implementation of provincial policing policy. The work of the Commission, as we conceive it, will constitute an invaluable resource to the Minister and his/her staff in fulfilling this executive responsibility. The Commission will not be the only source of such input for the Minister, however. The "mixed" system of policing in Nova Scotia, and the particular responsibilities which the Solicitor General has assumed from the Attorney General for the RCMP, ensure that there will be many other sources of policy ideas on which s/he will want to draw. The RCMP itself, the new Police Review Board, the Association of Municipal Police Governing Authorities which we have recommended, the Chiefs of Police Association of Nova Scotia, the Police Association of Nova Scotia, and the Canadian Union of Public Employees are but a few of the more significant of such sources.

In order to receive, sift through and synthesize the information and advice coming from these different sources, and to identify areas in which there appears to be insufficient information and advice and take steps to seek out that which is needed, the Minister requires appropriate support services within the Department. To provide for the effective fulfillment of the Solicitor General's executive responsibilities in this regard, we make the following recommendations.

Recommendation 32

There should be established, within the Department, a position of Executive Director (Policing). The duties of this official should relate exclusively to the fulfillment, by the Department, of its responsibilities with respect to policing. In particular this official would be responsible for:

(a) *negotiation and administration, on behalf of the Province, of the Provincial Policing Agreement, and fulfillment of the Solicitor General's responsibilities under Municipal Policing Agreements;*
(b) *negotiating, on behalf of the Province, the provincial contribution to the running of the Atlantic Police Academy;*
(c) *the fulfillment of the responsibilities of the Solicitor General under the* Police Act;

(d) *the Nova Scotia Police Commission (although the Chair of that Commission should also continue to have direct access to the Solicitor General and Deputy Solicitor General when he/she deems it necessary); and*
(e) *the Police Review Board (although the Chair of that Board should also have direct access to the Solicitor General and Deputy Solicitor General when he/she deems it necessary).*

The E.D.(Policing) should report to the Deputy Solicitor General.

Recommendation 33

The E.D.(Policing) should be assisted in the performance of his or her functions by an eight-member Policing Policy Advisory Committee, which should consist of the following:

(a) *the Chair of the Nova Scotia Police Commission;*
(b) *the Chair of the Police Review Board;*
(c) *the Commanding Officer of RCMP 'H' Division (or a representative);*
(d) *the President of the Chiefs of Police Association of Nova Scotia (or a representative);*
(e) *the Presidents of the Police Association of Nova Scotia and of the local of the Canadian Union of Public Employees which represents police officers in Cape Breton (or their representatives);*
(f) *a designated official of the Department of Municipal Affairs; and*
(g) *a designated official of the Union of Nova Scotia Municipalities or (if it is established) of the Association of Municipal Police Governing Authorities of Nova Scotia (see Recommendation 16).*

The E.D.(Policing) should convene a meeting of the Policing Policy Advisory Committee at least twice every year.

Recommendation 34

The E.D.(Policing) should be assisted by at least one professional assistant and adequate secretarial/support staff to carry out the responsibilities of the position.

Recommendation 35

The E.D.(Policing) should hold regular weekly meetings with the Commanding Officer or representative of RCMP 'H' Division to discuss current concerns of the Force and/or of the Department which relate to the Force's activities. An adequate record of these meetings should be kept.

Recommendation 36

The E.D.(Policing) should be responsible for developing the Department's provincial policing objectives, priorities and goals, as contemplated by the Provincial Policing Agreement, and, when these have been approved by the Solicitor General, communicating them to the Commanding Officer of RCMP 'H' Division in time for them to be incorporated into the Division's Annual Planning Document.

Since we have been unable to determine with clarity what funds are currently being allocated to the fulfillment of the Solicitor General's policing responsibilities within the Department, we are unable to put any price tag on our recommendations in this regard. From what we have been told by Departmental representatives about current plans for the fulfillment of this role, however, we infer that the costs of our recommendations over and above those already planned and budgeted for would be minimal. Obviously any increase which may be involved could be somewhat reduced by delaying the appointment of a professional assistant to the Executive Director (Policing). We think that the savings which would result from such a delay, however, would not justify it.

10.8 The Department of Attorney General

We have drawn our conclusions and made our recommendations on the assumption that virtually all of the functions relating to policing which were previously carried out by the Attorney General and his Department will now be taken over by the new Department of the Solicitor General. Indeed, this was the impression given to us by the new Deputy Solicitor General when we interviewed her. Nevertheless, it was clear to us that at the time we were doing our study, this matter had not yet been very carefully thought through.

Clearly, the intent behind creating the new office and Department of the Solicitor General was that the primary responsibility for the Province's role with respect to policing was to pass to the new Minister. Nevertheless, the question remains as to how this transfer will be reconciled with the Attorney General's traditional responsibility for the administration of justice in the province. This traditional responsibility, it will be recalled, is referred to expressly both in the *Police Act* itself (Section 3), and in the Provincial and Municipal Policing Agreements. It seems to us that it is particularly pertinent to matters of legal interpretation as they apply to policing. Such matters might include: the legality or otherwise of certain police procedures, and their compatibility with the requirements of the Charter of Rights; the exercise of police discretion with respect to

the laying of charges, obtaining warrants, etc., and the relationship of this discretion to the prosecutorial discretion exercised by the Attorney General and Prosecuting Officers; advice with respect to the sufficiency or admissibility of certain kinds of evidence and so on. Matters such as these have traditionally been the responsibility of the senior Law Officer of the Crown (the Attorney General) in Nova Scotia, and it is not at all clear to us that it would now be in the public interest to transfer them to the new Solicitor General. Indeed, the inappropriateness of such a transfer is further suggested by the fact that the incumbent of the office of Solicitor General apparently need not be (and presently is not) a lawyer. While we recognize that in some other Canadian jurisdictions (Manitoba and British Columbia) the need for even the Attorney General to be a lawyer has recently been called into question, we entertain no doubts that the person who has ministerial responsibility for giving legal advice to and on behalf of the Crown and the Government should be a lawyer. The fact that such a person has, within their Department, a senior staff lawyer constitutes no substitute for this constitutionally desirable practice.

In addition to the more general matters we have raised here, there are certain specific responsibilities under the *Police Act* which have, up to now, rested with the Attorney General and which, we think, might be better left there. In this regard, we have in mind particularly the authority under Section 31 of the Act, which allows the Attorney General to assume control of the investigation of a particular case. We have serious doubts about the appropriateness of transferring this authority to the new Solicitor General. The same considerations may be thought to apply to the power of the Attorney General to appoint counsel to assist the Nova Scotia Police Commission in an inquiry, under Subsection 9(3) of the Act. A thorough review of the Act and Regulations may well reveal other powers and responsibilities of the Attorney General which it would not be appropriate to transfer to the Solicitor General.

Recommendation 37

The Government should carefully review the Police Act *and Regulations and the Provincial and Municipal Policing Agreements with a view to ensuring that those powers and responsibilities which formerly belonged to the Attorney General, and which relate primarily to the provision of legal advice and the administration of justice in particular cases, remain the responsibility of the Attorney General and not be transferred to the Solicitor General.*

Recommendation 38

The Director (Criminal) within the Attorney General's Department should continue to attend the weekly meetings which the RCMP will now be having with the new E.D.(Policing) (see Recommendation 35) so as to fulfill the Attorney General's continuing responsibilities with respect to the supervision of that police force. We regard it as important, in the interests of good communications and the avoidance of misunderstandings that, unless there are in particular cases strong reasons to the contrary, these weekly meetings should be held jointly with the E.D.(Policing) and the Director (Criminal) rather than separately.

We do not envisage that these recommendations will involve any significant additional costs to the Province.

10.9 The Police Review Board

As we have noted in our analysis of the provisions for the new Police Review Board, the effectiveness of this agency will depend very much on its perceived independence from the police community and from the Government (including the Nova Scotia Police Commission), and on the perceived calibre and integrity of its members and staff. Also relevant will be its effectiveness in assimilating, as far as possible, its processes and procedures to those of the Federal Public Complaints Commission which will deal with complaints against RCMP officers acting in the province.

Recommendation 39

The persons appointed to the Police Review Board should be persons of the utmost integrity and who are widely respected in the community. They should not be persons who have either had significant associations with the police but not with criminal defendants, or with criminal defendants but not with police. Perceptions of bias or prejudice must be carefully guarded against in selecting the members of the Board.

Recommendation 40

The Chair of the Police Review Board should be a person with legal training.

Recommendation 41

The Chair of the Nova Scotia Police Commission should not be the Registrar of the Police Review Board. The Police Act *should be amended accordingly. The Registrar of the Board should be responsible to the Chair of the Board.*

Recommendation 42

The Police Review Board should employ its own investigators who should be responsible to its Registrar. The Nova Scotia Police Commission should not provide investigative services to the Board, and the Police Act *should be amended accordingly.*

Recommendation 43

To the extent possible, investigators hired by the Police Review Board should not be persons who have recently held positions in police forces in Nova Scotia. The Board should be authorized to employ sufficient investigators to be able to handle the investigative workload which arises effectively, and in a timely fashion.

Recommendation 44

A careful separation must be maintained between the investigative and adjudicative functions of the Police Review Board.

Recommendation 45

In cases where it is deemed to be in the public interest to do so, the Registrar of the Police Review Board should be empowered to have the Board's investigators assume the investigation of a public complaint against a police officer rather than the complaint being investigated by the officer's force. In such circumstances, the Registrar, on completion of the investigation, should submit the report of the investigation to the Chief of Police (or, in the case of a complaint against a chief, to the Board of Police Commissioners) for appropriate disciplinary action, if warranted. The complainant should also receive a copy of any such report. The Police Act *and Regulations should be amended accordingly. Such cases could be expected to be quite rare, and the Registrar should operate on the premise that a substantial public interest should be evident before this authority is exercised.*

Recommendation 46

Current inconsistencies between the provisions of the Police Act *and the Regulations with respect to the procedure for handling a public complaint against the police (as identified in our analysis of the Police Review Board, at pp. 89-90) should be corrected.*

Recommendation 47

The Chair of the Police Review Board should be appointed as the Province's representative on the federal Public Complaints Commission which hears complaints against members of the RCMP.

Recommendation 48

The Chair and the Registrar of the Police Review Board should attend the annual meetings of the International Association for Civilian Oversight of Law Enforcement and endeavour thereby to keep abreast of developments in this area in other jurisdictions.

Recommendation 49

Whenever possible, the Police Review Board should give the appropriate disciplinary authority (Chief of Police or municipal Board of Police Commissioners) the opportunity to implement its recommendations with respect to the appropriate disposition of a complaint which it has found to be substantiated. The Board should only seek to impose its own disposition of a case after such opportunity has been given and, in the Board's view, the disciplinary authority has not met the requirements of the public interest and justice in disposing of a case.

Recommendation 50

The Registrar of the Police Review Board should be responsible for monitoring patterns of complaints against the police in the province and analyzing these patterns with a view to developing insights into how such complaints may be reduced or more effectively dealt with by police forces and the Board. For this purpose, the services of the Director of Research, Information and Statistics (see Recommendation 21) of the Nova Scotia Police Commission should be available to the Registrar. The Registrar should publish a report of findings on these matters each year as part of the Annual Report of the Board.

Obviously, additional costs will result from our recommendations that the positions of Registrar and investigators for the Police Review Board not be held by members or staff of the Nova Scotia Police Commission. While the Police Review Board should, in our view, have at least one full time staff member (the Registrar), it is not possible at this stage (for reasons discussed in our report) to anticipate what its investigative needs will be or whether its workload will necessitate full time or part time seconded investigators. We understand that some estimates of the workload of the Board have been prepared by staff of the Nova Scotia Police Commission; however, we have not been made privy to these. In the circumstances, therefore, we are unable to estimate with any confidence what might be the possible additional costs of the recommendations we have made with respect to the Police Review Board.

We regard our recommendations as so critical to the likely credibility (and hence success) of the Police Review Board, that we are convinced that the costs involved will not exceed what can reasonably be justified.

10.10 Future Research

In the course of doing our research for this study, we have discovered a number of topic areas which would benefit from further investigation. Some of these subjects may be of direct relevance to the Government or police organizations involved, and these agencies may be in position to do their own studies. Alternatively, there are a number of academics and related university groups with the skills and interest to undertake useful work in these areas.

The major concerns we have identified are the following:

1. *The organization of policing*

More needs to be known about the history of police organization and financing in the province. Our analysis is predominantly cross-sectional and needs to be deepened by an understanding of how the current structures have developed. Clairmont (1987) has done some work on the Halifax MPD and there is now some comparative research on different MPD and RCMP units being done through the Atlantic Institute of Criminology.

2. *Training*

One topic which went beyond the range of our study is the comparative training experiences of MPD and RCMP cadets. A direct comparison of program content and functioning is necessary.

3. *Criminal investigation*
Case studies of the day-to-day routines of investigative work in the province need to be done. Interesting comparisons are possible in a variety of places. One could examine similarities and differences in the Halifax and Dartmouth MPDs as the former has reorganized its investigative activities with the introduction of community-based policing and the latter has retained a more traditional division of labour. Comparisons between smaller MPDs and RCMP detachments would also be useful. In addition, some examination of joint forces operations among the RCMP and the Dartmouth and Halifax MPDs deserves some attention.

4. *Police/minority relations*
Case studies of police/minority group interaction would be particularly helpful. As indicated in our analysis above, there are specific Departments and Detachments which have substantially greater contact with minority groups, and it would be possible to analyze these situations through fieldwork-based methods.

5. *Role and functions of police governing authorities in Nova Scotia*
These are critical elements in the control and accountability of policing in Nova Scotia. At present, very little is known about them. The work of Hann, McGinnis, Stenning and Farson (1985) provides a useful guide to the kind of research which might be helpful here.

6. *Role and impact of police associations and unions*
Several commentators have noted the crucial importance of these organizations for the quality of policing and police management, yet we presently have little systematic information about their impact in these areas.

The general suggestions which we have made with respect to suitable areas for further research are not, in this form, amenable to any detailed costing. Costs of such projects will depend entirely on their precise formulation and execution, and will have to be determined on a project by project basis.

13.11
A Final Word About Costs

It will be clear that our recommendations, taken as a whole, will require substantial additional resources to be allocated to policing (especially from the provincial Treasury) if they are to be implemented. While these additional costs appear substantial when viewed out of context, it must be appreciated that policing and policing policy have been the object of great neglect (particularly at the provincial level) over many years. In the body of our report we have done our best to document the dimensions of this neglect.

Quality policing cannot be achieved through neglect, and our view is that if quality policing is what Nova Scotians want, they and the Government will have to take more realistic attitudes towards the costs involved.

As we have noted in Part 2, approximately 33 percent of the Attorney General's budget for 1987/88 was allocated to policing of which the vast majority was accounted for by the costs of the RCMP provincial policing services. To this must be added the separate budget for the Nova Scotia Police Commission which, in that year, amounted to $339,700, as compared to the Department's total budget of just over $80 million.

In the 1988/89 estimates for the new Department of the Solicitor General, the monies estimated for "policing services", which include the costs of the Provincial Policing Agreement, amount to approximately 51 percent of the total estimated expenditures. "Correctional services" account for a further 46 percent, the remaining three percent being accounted for by "Administration". The budget for the Nova Scotia Police Commission (which now includes the budget for the Police Review Board and the provincial contribution to the Atlantic Police Academy, which was previously included in the Attorney General's Department budget) stands at $800,000, as compared to the total Departmental budget of just over $55 million.

Within these figures, the costs of the Provincial Policing Agreement and the Atlantic Police Academy may be expected to remain relatively stable and are largely unaffected by our recommendations. The remaining costs for policing which are estimated for the Solicitor General's budget for 1988/89 amount to $497,700 ($310,700 for the Nova Scotia Police Commission, $112,000 for the Police Review Board, and $75,000 for "other policing services"). Adding in some additional costs for the time of some of the senior officials of the Department (which is not specifically allocated to policing responsibilities) we may conservatively estimate these costs at $525,000. They represent just under one percent of the total combined budgets of the Department and the Commission (which includes monies for the Review Board and the Atlantic Police Academy).

Even assuming that our recommendations, if fully implemented, all at once, would result in a trebling of these expenses (which seems quite possible) it can be appreciated that this would not amount to a dramatic increase in the overall provincial budget allocated to policing and corrections. The impact could, of course, be reduced by phasing in the changes we have recommended over a period of, say, five years.

Under these circumstances, we feel that the recommendations we have made, while they might seem at first to involve considerable expense, are both reasonable and justified given the findings of our study and the obvious desire for improved policing services and policy-making in Nova Scotia.

The critical question which our report raises is whether the people of Nova Scotia are willing to pay the reasonable additional costs which would be involved in achieving such improvements. We are confident that they are, and therefore have no reservations about presenting our recommendations to them for their consideration.

We thank them for the privilege of having the opportunity to do so.

Part 11
Summary of Recommendations

The Police Forces

1
Departmental Plans

Municipal police departments (MPDs) should establish departmental plans which include a clear definition of departmental goals and priorities, a formal system of job descriptions, job standards, and appraisal systems for evaluating job performances. MPDs which lack written recruitment, training, and promotions guidelines should establish them. The Nova Scotia Police Commission should show leadership in fostering the adoption of model protocols for such standards.

2
Improved Salary Levels

While we recognize that this is only a first step in improving the quality of police services in the province, we recommend that smaller MPDs with lower salary levels should have provincial support to move towards higher pay standards. The initial goal of this change should be to bring all salaries to the $29,000 level.

3
Pension Plans

The Nova Scotia Police Commission with its renewed research mandate should undertake a comprehensive evaluation of MPD pension plans in cooperation with Chiefs of Police Association of Nova Scotia, Canadian Union of Public Employees, Police Association of Nova Scotia and the proposed Association of Municipal Police Governing Authorities (see Recommendation 16). Special attention should be devoted to providing retirement packages for approximately 100 older MPD members (over 50), and the removal of penalty clauses for early retirement.

4
Recruitment Procedures

The Government should ensure that adequate resources are available to implement fully the new recruiting and selection procedures for MPDs.

5
Visible Minority Recruitment

Recruitment of visible minority group members and women should be actively encouraged by both police and government organizations. Both the RCMP and MPDs in the province should establish specific recruitment targets which reflect the distribution of various minority groups in the population. The analysis of these concentrations (which is outlined in Appendix 18) should be carefully consulted.

6 Outreach	Particular attention should be given to using outreach recruitment methods (have visible minority or women officers involved in recruitment, build up contact with minority communities and womens' groups to facilitate recruitment). The guidelines prepared by the Greater Toronto Region Working Group on Policing in Multicultural, Multiracial Urban Communities on the recruitment and selection of visible minority police officers should be circulated to all relevant police organizations in the province.
7 Training Costs	The Solicitor General's Task Force on Municipal Police Training should combine its study on training with an assessment of the existing studies on the financial costs to the Province of Nova Scotia for the Atlantic Police Academy's programmes.
8 Monitoring/Training	The Solicitor General's new Task Force on Municipal Police Training, as well as the data gathered as part of this study, should be utilized to establish an ongoing system for monitoring levels of training in the province which can be maintained by the Nova Scotia Police Commission. This system should incorporate clear definitions of the types of training appropriate for the needs of particular members, Departments, and Detachments.
9 Human Relations Content	In light of the concerns of this Royal Commission about police relations with minority groups, and given the widely-recognized findings that human relations materials are best learned as part of an integrated curriculum, the Atlantic Police Academy should include human and minority relations content in all its courses.
10 Uniform Guidelines for Investigations	In keeping with Recommendation 1 regarding department plans, MPDs should cooperate with the Nova Scotia Police Commission to produce a uniform set of guidelines for investigative work.
11 Evaluation of Investigative Capabilities of MPDs	The Nova Scotia Police Commission should undertake a systematic evaluation of the investigative capacities available in all MPDs in the province. This evaluation should be coordinated with periodic reviews of the MPDs.

12
Murder Investigations

The current standing directive on MPD responsibilities for the investigation of murder and attempted murder should be regarded as a flexible directive which may change to reflect alterations in MPD investigative capacities. This may involve broadening the scope of exemptions, or it may lead to the inclusion of other serious crimes in the list of offences which some MPDs may not be able to handle.

13
Cadet Training and Visible Minorities

In view of the distribution of visible minority group members discussed above, and the shortfalls now evident in police/minority relations in the province, special attention should be given to more intensive training for cadets whose first assignment will be in areas of high visible minority concentration. In addition, Detachments and MPDs located in areas of high visible minority concentration should allocate proportionally more of their resources to multicultural training. This training should recognize the considerable differences in the situations and experiences of different visible minority groups in the province. Detachments and MPDs should be individually responsible for ensuring that training in minority issues is delivered on a timely basis. The Nova Scotia Police Commission should monitor Detachment and MPD performance in this area.

14
Anti-racism Policies

While we recognize that negative racial attitudes go beyond questions of stereotyping, all MPDs should promulgate official policies against racism and sexism similar to the ones currently employed by the RCMP (RCMP Administration Manual III.9.) or the Metropolitan Toronto Police Force (Standing Order Number 24).

15
Quality of Provincial Policing and Regionalization

A joint Task Force should be established by the Solicitor General and the Minister of Municipal Affairs, with representation from the Nova Scotia Police Commission, the RCMP, the representative organizations of municipal policing, and the Union of Nova Scotia Municipalities, to examine the organization and delivery of policing services within the province, and in particular to consider and review the desirability and feasibility of some regionalization of existing municipal policing services in the province, and to make recommendations to the Government on these matters.

Although possible regionalization should be a central concern of such a review it should also examine other, less comprehensive collaborative arrangements which might beneficially be established or further developed between existing municipal police forces and the RCMP to improve the quality and efficacy of the delivery of

policing services in the province. Such a review should explicitly consider the experiences of other jurisdictions in this regard.

Municipal Police Governing Authorities

16
Association of Municipal Police Governing Authorities

An Association of Municipal Police Governing Authorities of Nova Scotia should be formed, with a small staff (*e.g.* a full time Executive Director, a Research Officer and a Secretary), and with a mandate to provide advice, information and educational services (*e.g.* through an Annual Conference, regional meetings, etc.) to municipal police governing authorities throughout the province. The Association should be funded by municipalities throughout the province, but should receive substantial financial assistance from the Provincial Government. Any member of a municipal police governing authority (whether the municipality is policed by a municipal police department or the RCMP) should have the right (and be encouraged) to join the Association.

17
Interference with Police

The *Police Act* should be amended to make it clear that it is unlawful for anyone other than a police officer of the same force to issue any order, direction or instruction to any member of a police force relative to their duties as members of the force, except when communicating a decision of the force's lawful governing authority, and that a governing authority shall only issue such directions, etc., to the Chief or someone who is acting in the Chief's stead. Those provisions of the *Police Act* which currently permit the Attorney General to issue directions to police officers should be altered to permit the Attorney General to issue such directions only to a Chief of Police or someone acting in the Chief's stead.

The Nova Scotia Police Commission

18
Full Time Chair

The Chair of the Commission should be restored to a full time position, with the incumbent being a person who has demonstrable experience both with respect to policing issues and as a senior administrator.

19
Commission Members

In addition to the Chair, there should be four part time members of the Commission, selected in such a way that together they provide as diverse a representation of the public interest in policing as possible. At least one member of the Commission should be a representative of one of the visible minority groups in the province, and at least one

	should be a woman. Community involvement, experience and contacts, rather than experience with policing as such, should be the main qualification for appointment as a member of the Commission.
20 Executive Director	An experienced administrator should be appointed as Executive Director of the Commission, with responsibility for day-to-day supervision of its administrative operations. The Executive Director would also be responsible for all those aspects of the Commission's mandate which are not assigned to one of the four Directors whom we recommend should be appointed (see Recommendation 21).
21 Other Directors	In addition to the Executive Director, the Commission should have four Directors: a Director of Research, Information and Statistics, a Director of Training and Personnel Development, a Director of Advisory Services, and a Director of Security Services.
22 Relationship with Police Review Board	The *Police Act* should be amended so that the Commission is not responsible for providing investigative services to the Police Review Board.
23 Research Planning	A Research Officer should be appointed to assist the Director of Research, Information and Statistics. The Director of Research, Information and Statistics should be required to develop an annual research plan for the Commission, which will identify priorities. This plan should be submitted to the Commission for its approval and should thereafter be circulated to the members of the Policing Policy Advisory Committee (the creation of which is proposed in Recommendation 33) for their information, reaction and comment. A modest budget should be earmarked for the implementation of the research plan.
24 Research Support	Appropriate computer facilities should be made available to support the performance of the Commission's research, information and statistics functions. Micro-computers should be adequate for these purposes.
25 Advisors	Three Advisors should be appointed to assist the Director of Advisory Services in carrying out the Commission's responsibilities to give advice and assistance to municipal police forces and their governing authorities.

26
Annual Assessment of MPDs

The authority of the Commission to conduct assessments, evaluations and inspections of municipal policing services (authorized by paragraph (da) of Section 7 of the *Police Act*) should be fully exercised by the Commission through the Director of Advisory Services and the three Advisers. Each municipal police department should be the subject of an annual assessment by the Commission in the exercise of this authority. The Director of Advisory Services and his/her staff should be directed to develop, in consultation with the police community and the proposed Association of Municipal Police Governing Authorities, standard criteria and procedures for such assessments, which should be approved by the Commission before they are implemented. All such assessments of police departments should be reviewed and approved by the Commission before being transmitted to the police forces and governing authorities concerned.

27
Relationship with RCMP

The Solicitor General should require the RCMP acting within the province, under the terms of the Provincial Policing Agreement and Municipal Policing Agreements, to provide the Commission, on an ongoing basis, with such information about the operations of the RCMP in the province as it may reasonably require in order to be able to develop and plan rational policing policy and an adequate police information system for the province.

28
Liaison with Department of Municipal Affairs

The Commission should develop and maintain close liaison with officials of the Department of Municipal Affairs, with a view to developing a more rational basis for provincial financial assistance for municipal policing services and, in particular, relating such assistance to the annual assessments of such policing services undertaken by the Commission. Serious consideration should be given to providing such assistance through conditional rather than unconditional grants, as at present.

29
Liaison with Training Institutions

The Director of Training and Personnel Development should normally represent the Government of Nova Scotia on the Advisory Councils of the Canadian Police College and the Atlantic Police Academy.

30
Provincial Liaison

The Chair of the Commission (and if possible other members of the Commission) should continue to attend the Annual Meetings of the Canadian Provincial Police Commissions and, together with the Executive Director, should maintain ongoing liaison with their counterparts in other provincial jurisdictions.

31
Support Services

The Commission should be provided with adequate secretarial and other support staff to service its professional staff in the performance of its functions.

The Department of the Solicitor General

32
Executive Director (Policing)

There should be established, within the Department, a position of Executive Director (Policing). The duties of this official should relate exclusively to the fulfillment, by the Department, of its responsibilities with respect to policing. In particular this official would be responsible for:

(a) negotiation and administration, on behalf of the Province, of the Provincial Policing Agreement, and fulfillment of the Solicitor General's responsibilities under Municipal Policing Agreements;
(b) negotiating, on behalf of the Province, the provincial contribution to the running of the Atlantic Police Academy;
(c) the fulfillment of the responsibilities of the Solicitor General under the *Police Act;*
(d) the Nova Scotia Police Commission (although the Chair of that Commission should also continue to have direct access to the Solicitor General and Deputy Solicitor General when necessary); and
(e) the Police Review Board (although the Chair of that Board should also have direct access to the Solicitor General and Deputy Solicitor General when necessary).

The E.D.(Policing) should report to the Deputy Solicitor General.

33
Policing Policy Advisory Committee

The E.D.(Policing) should be assisted in the performance of his or her functions by an eight-member Policing Policy Advisory Committee, which should consist of the following:

(a) the Chair of the Nova Scotia Police Commission;
(b) the Chair of the Police Review Board;
(c) the Commanding Officer of RCMP 'H' Division (or a representative);
(d) the President of the Chiefs of Police Association of Nova Scotia

(or a representative);
(e) the Presidents of the Police Association of Nova Scotia and of the local of the Canadian Union of Public Employees which represents police officers in Cape Breton (or their representatives);
(f) a designated official of the Department of Municipal Affairs; and
(g) a designated official of the Union of Nova Scotia Municipalities or (if it is established) of the Association of Municipal Police Governing Authorities of Nova Scotia (see Recommendation 16).

The E.D.(Policing) should convene a meeting of the Policing Policy Advisory Committee at least twice every year.

34
Support Staff

The E.D.(Policing) should be assisted by at least one professional assistant and adequate secretarial/support staff to carry out the responsibilities of the position.

35
Liaison with the RCMP

The E.D.(Policing) should hold regular weekly meetings with the Commanding Officer (or a representative) of RCMP 'H' Division to discuss current concerns of the Force and/or of the Department which relate to the Force's activities. An adequate record of these meetings should be kept.

36
Role of Executive Director (Policing)

The E.D.(Policing) should be responsible for developing the Department's provincial policing objectives, priorities and goals, as contemplated by the Provincial Policing Agreement, and when these have been approved by the Solicitor General, communicating them to the Commanding Officer of RCMP 'H' Division in time for them to be incorporated into the Division's Annual Planning Document.

The Department of Attorney General

37
Role of Attorney General

The Government should carefully review the *Police Act* and Regulations and the Provincial and Municipal Policing Agreements with a view to ensuring that those powers and responsibilities which formerly belonged to the Attorney General, and which relate primarily to the provision of legal advice and the administration of justice in particular cases, remain the responsibility of the Attorney General and not be transferred to the Solicitor General.

38 Liaison with RCMP and Solicitor General	The Director (Criminal) within the Attorney General's Department should continue to attend the weekly meetings which the RCMP will now be having with the new E.D.(Policing) (see Recommendation 35) so as to fulfill the Attorney General's continuing responsibilities with respect to the supervision of that police force. We regard it as important in the interests of good communications and the avoidance of misunderstandings that, unless there are in particular cases strong reasons to the contrary, these weekly meetings should be held jointly with the E.D.(Policing) and the Director (Criminal) rather than separately.

The Police Review Board

39 Police Review Board Appointments	The persons appointed to the Police Review Board should be persons of the utmost integrity and who are widely respected in the community. They should not be persons who have either had significant associations with the police but not with criminal defendants, or with criminal defendants but not with police. Perceptions of bias or prejudice must be carefully guarded against in selecting the members of the Board.
40 Chair with Legal Training	The Chair of the Police Review Board should be a person with legal training.
41 Relationship with Police Commission	The Chair of the Nova Scotia Police Commission should not be the Registrar of the Police Review Board. The *Police Act* should be amended accordingly. The Registrar of the Board should be responsible to the Chair of the Board.
42 Investigative Services	The Board should employ its own investigators who should be responsible to its Registrar. The Nova Scotia Police Commission should not provide investigative services to the Board, and the *Police Act* should be amended accordingly.
43 Independent Investigators	To the extent possible, investigators hired by the Police Review Board should not be persons who have recently held positions in police forces in Nova Scotia. The Board should be authorized to employ sufficient investigators to be able to handle the investigative workload effectively, and in a timely fashion.

44 Separation of Functions	A careful separation must be maintained between the investigative and adjudicative functions of the Police Review Board.
45 Role of Registrar	In cases where it is deemed to be in the public interest to do so, the Registrar of the Police Review Board should be empowered to have the Board's investigators assume the investigation of a public complaint against a police officer rather than the complaint being investigated by the officer's force. In such circumstances, the Registrar, on completion of the investigation, should submit the report of the investigation to the Chief of Police (or, in the case of a complaint against a chief, to the Board of Police Commissioners) for appropriate disciplinary action, if warranted. The complainant should also receive a copy of any such report. The *Police Act* and Regulations should be amended accordingly. Such cases could be expected to be quite rare, and the Registrar should operate on the premise that a substantial public interest should be evident before this authority is exercised.
46 Legislative Inconsistencies	Current inconsistencies between the provisions of the *Police Act* and the Regulations with respect to the procedure for handling a public complaint against the police (as identified in our analysis of the Police Review Board) should be corrected.
47 Representation on Federal Public Complaints Commission	The Chair of the Police Review Board should be appointed as the Province's representative on the federal Public Complaints Commission which hears complaints against members of the RCMP.
48 International Liaison	The Chair and the Registrar of the Police Review Board should attend the annual meetings of the International Association for Civilian Oversight of Law Enforcement and endeavour thereby to keep abreast of developments in this area in other jurisdictions.
49 Disciplinary Action	Whenever possible, the Police Review Board should give the appropriate disciplinary authority (Chief of Police or municipal Board of Police Commissioners) the opportunity to implement its recommendations with respect to the appropriate disposition of a complaint which it has found to be substantiated. The Board should only seek to impose its own disposition of a case after such opportunity has been given and, in the Board's view, the disciplinary

authority has not met the requirements of the public interest and justice in disposing of a case.

50
Monitoring Complaints

The Registrar of the Police Review Board should be responsible for monitoring the pattern of complaints against the police in the province and analyzing these patterns with a view to developing insights into how such complaints may be reduced or more effectively dealt with by police forces and the Board. For this purpose, the services of the Director of Research, Information and Statistics (see Recommendation 21) of the Nova Scotia Police Commission should be available to the Registrar. The Registrar should publish a report of findings on these matters each year as part of the Annual Report of the Board.

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Appendices

1

List of Participants Peer Review Workshop* on "Public Policing in Nova Scotia"

* Each of the Commission's research studies was scrutinized in early draft form by experts in the field, and discussed in a workshop format with the Commissioners and Commission staff, the peer reviewers, and invited professional and community experts.

List of Participants

Researchers:
Dr. Richard Apostle, Associate Professor, Department of Sociology and Social Anthropology, Dalhousie University - Co-author
Dr. Philip Stenning, Associate Professor, Centre of Criminology, University of Toronto - Co-author
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Reviewers:
1. C. L. Campbell, Director of Atlantic Police Academy, Charlottetown, P.E.I
2. Chris Murphy, Associate Professor, University of Kings College, Halifax
3. Professor Jean-Paul Brodeur, Directeur, Centre Internationale de Criminologie Comparée, Université de Montréal

Royal Commission:
1. Chief Justice Hickman, Chairman
2. Associate Chief Justice Poitras, Commissioner
3. Honourable Gregory T. Evans, Q.C., Commissioner
4. George MacDonald, Q.C., Counsel
5. David Orsborn, Counsel
6. W. Wylie Spicer, Counsel
7. Susan M. Ashley, Commission Executive Secretary, Chair of the Workshop
8. John Briggs, Director of Research
9. Professor John Edwards, Special Advisor to the Commission

Invited Participants:
1. Bruce Archibald, Associate Professor, Dalhousie Law School, author of the Royal Commission research study: Prosecuting Officers and the Administration of Justice in Nova Scotia (Volume 6 of this report)
2. Superintendent D. Bain, OIC Administration and Personnel, 'H' Division, RCMP
3. James D. Bissell, Director, Atlantic Region, Justice (Canada)
4. R. Gerald Conrad, Director (Legal Services), Department of Attorney General, Nova Scotia
5. Nadine Cooper-Mont, Deputy Solicitor General, Nova Scotia
6. James Crosby, Canadian Union of Public Employees
7. Anne Derrick, Counsel to Donald Marshall, Jr.
8. Chief Superintendent Don Docker, Corporate Planning Branch, RCMP Headquarters, Ottawa

9. David Fisher, Counsel, Police Association of Nova Scotia (PANS)
10. Inspector E. G. Grant, Acting OIC Criminal Operations, 'H' Division, RCMP
11. Martin Herschorn, Director (Prosecutions), Department of Attorney General, Nova Scotia
12. Burnley (Rocky) Jones, Black United Front, Halifax, Nova Scotia
13. William MacDonald, Q.C., Deputy Attorney General, Nova Scotia
14. Darrel Pink, Counsel to the Department of Attorney General
15. Admiral H. Porter, former Chairman, Nova Scotia Police Commission
16. Murray Ritch, Acting Chairman, Nova Scotia Police Commission
17. Anthony Ross, Counsel to the Black United Front
18. Jamie Saunders, Counsel to the Department of Attorney General
19. George Smith, Acting Executive Director, Nova Scotia Police Commission
20. Al Swim, Director Personnel and Training, Nova Scotia Police Commission
21. Harry Vickers, President, Nova Scotia Chiefs of Police Association
22. Kit Waters, Director of Policy and Planning, Department of Solicitor General, Nova Scotia
23. Bruce Wildsmith, Counsel to the Union of Nova Scotia Indians

2
Initial Research Objectives
Research Outline

Police Study: An Examination of Police Organization, Training, Standards, and Practices in Nova Scotia

Introductory Note

The objective of this study will be to provide a descriptive overview of the policies and organization of police forces in Nova Scotia and their activities from the recruitment stage through selection, training, and operational practices and procedures. The study will focus on the municipal police forces ("MPFs") with particular reference to the police forces of Sydney, Halifax, Dartmouth and a representative sample of forces from the smaller municipalities. Reference will be made throughout the study to the RCMP for comparative purposes.

1. *Organization*

Describe the basic organization of policing forces in Nova Scotia with particular reference to the following questions:

(a) Distribution of RCMP versus MPFs (*e.g.* urban/rural and major municipal centres).
(b) Jurisdiction of RCMP under federal-provincial contract and compare with MPFs.
(c) Actual departmental organizational structure of RCMP forces in Nova Scotia and that of MPFs.
(d) Police Commission of Nova Scotia: it's role and jurisdiction with particular attention to standards and policies for recruitment, training, promotion, the development of "generally accepted police practices" and assistance provided to MPFs.

2. *Recruitment/Selection*

Describe the current policies and practices of the MPFs. Compare/contrast with RCMP and with particular reference to the following:

(a) Entry level qualifications.
(b) Selection process.
(c) Representation of Blacks, Native peoples, and other visible minorities.
(d) Recruitment, selection and promotion policies with respect to visible minorities.
(e) Factors which militate against representation of visible minorities.

3. *Training*

Describe the training policies and practices of the MPFs and compare with the RCMP, having particular reference to the following questions:

(a) General statements of training policy.
(b) Entry level training.
(c) Initial on-the-job training.
(d) Relationship between training, educational achievement and promotion, and identification of any specific training prerequisites for promotion.
(e) Identify training facilities, departmental training programs and budgets; discuss availability and accessibility to MPFs.
(f) What are the costs of accessing the training facilities or programs, the funding or cost-sharing arrangements and the budgetary provisions made for same.
(g) Identify specialist training courses, their availability/accessibility and any necessary prerequisites for same (*e.g.* criminal investigations, interrogation/interviewing and statement taking techniques).
(h) Identify and describe any cross or multicultural training or sensitivity courses/programs, their availability and policies with respect to same.
(i) Percentage of personnel on training status and percent of budget dedicated to same.

4. *Practices/Procedures*

Identify and describe those operational practices and procedures which have particular relevance to the following in both the MPFs and RCMP:

(a) Supervision of the work of crime investigators/detectives.
(b) Ensuring against the tunnel-vision/one track theory of "who-done-it".
(c) Investigation of crime scene.
(d) Interrogation/interviewing of suspects/witnesses (including statement taking) with particular attention to minors or persons with mental health problems.
(e) Relationship with RCMP - describe any stated policies/procedures with respect to type of assistance available to MPFs from RCMP and circumstances when it should/must be accessed.
(f) Describe the relationship between MPFs/RCMP and local Crown prosecutors having particular reference to the laying of charges and disclosure of information to Crown by police.

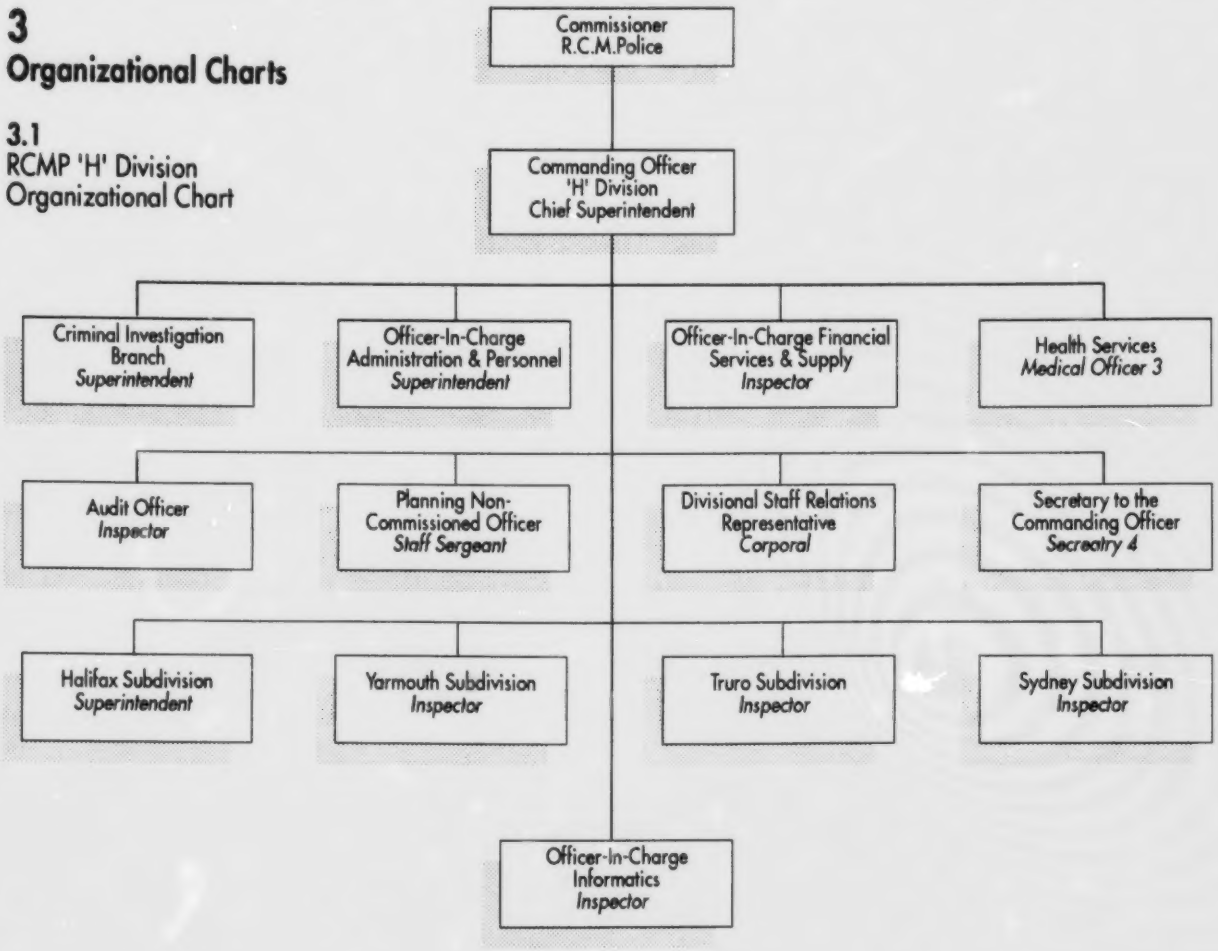
(g) Briefly describe promotional policies/practices with respect to particular prerequisites for promotion to senior management levels.
(h) Complaints - Identify/describe any stated policies and procedures with respect to the handling of public complaints regarding police behaviour.

5. *Analyses/Recommendations*

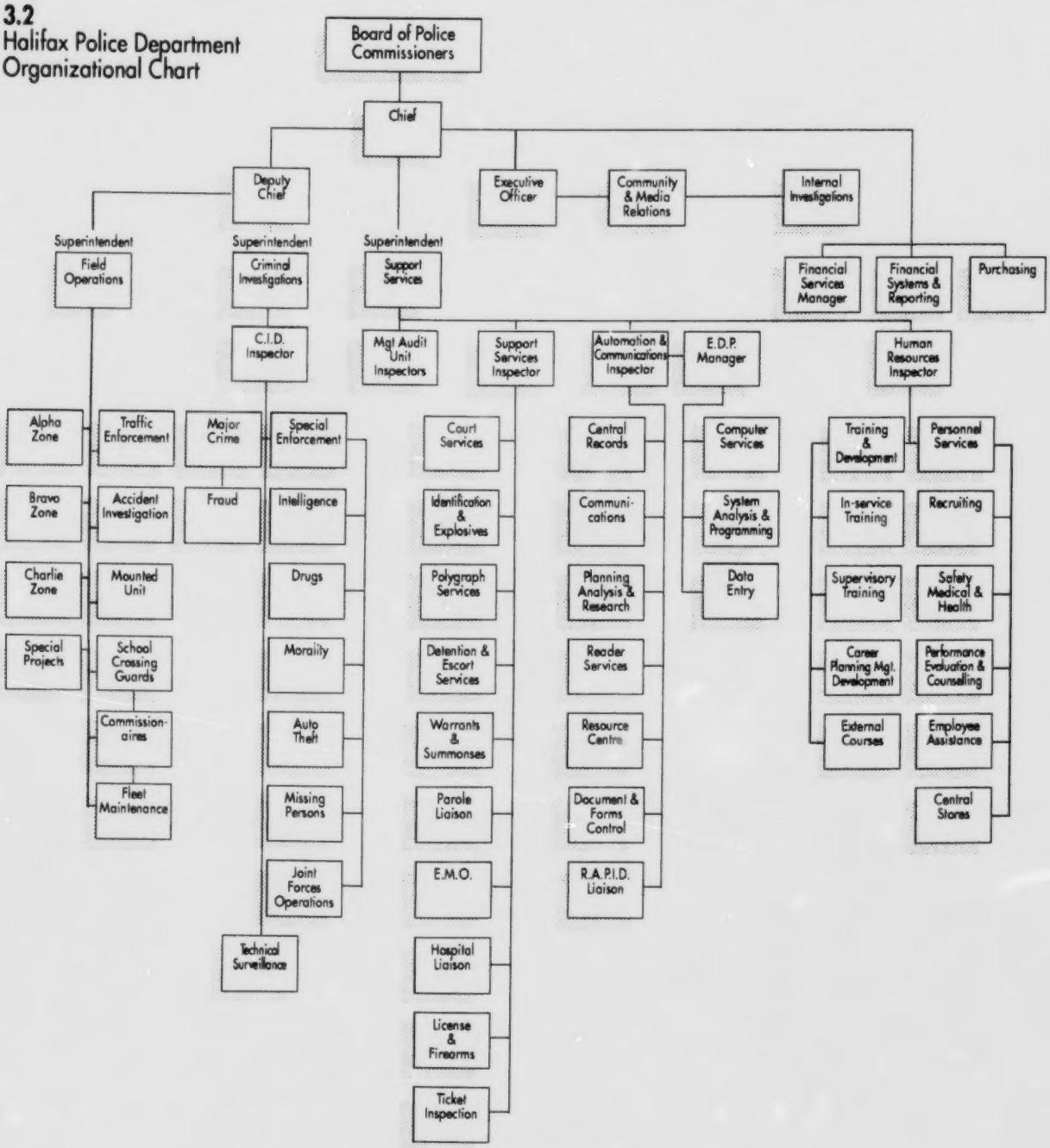
Identify and analyze those characteristics or conditions with respect to police organization, recruitment, selection, training, and practices which impact on the quality and effectiveness of policing today and in particular the ability of police forces to respond to the requirement to investigate serious crimes and to develop and maintain a positive relationship with Natives, Blacks and other visible minorities. Formulate appropriate recommendations.

3
Organizational Charts

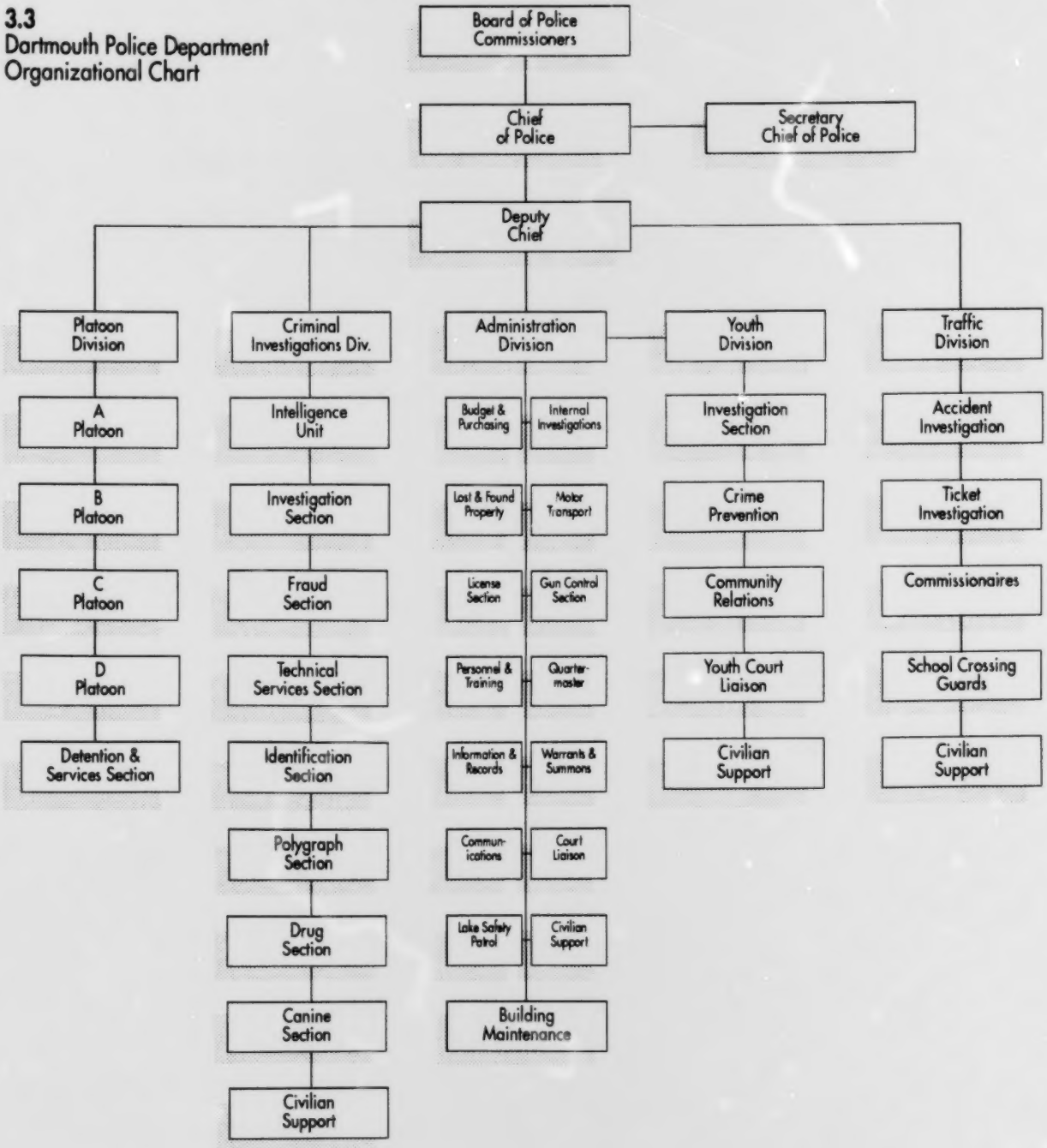
3.1
RCMP 'H' Division Organizational Chart



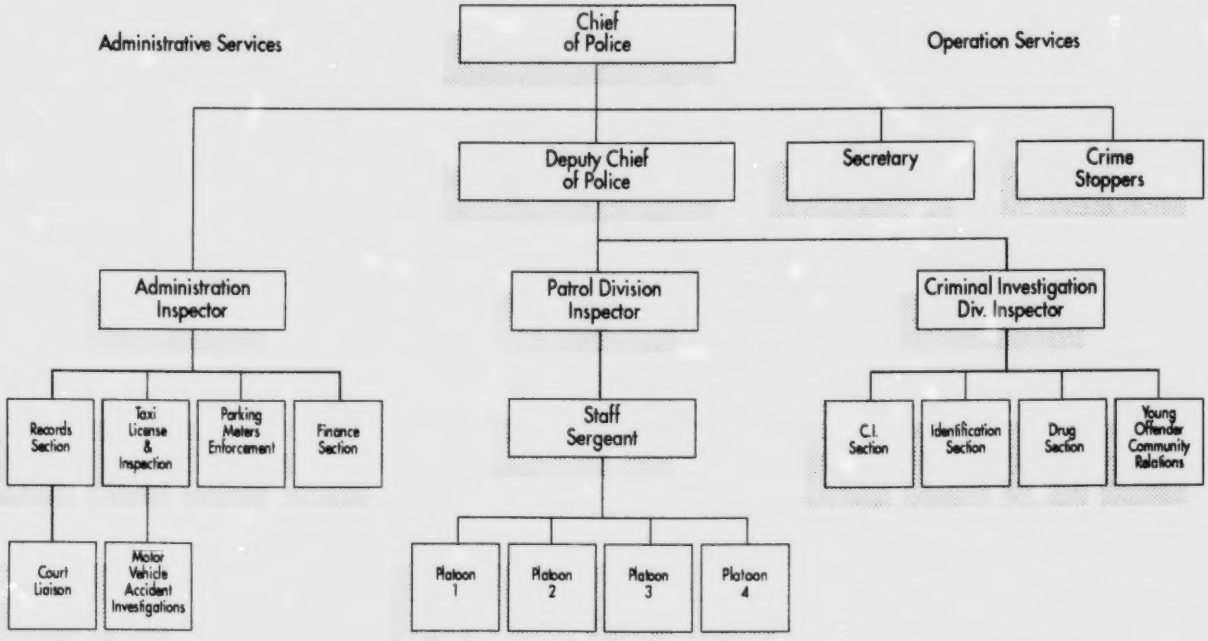
3.2
Halifax Police Department Organizational Chart



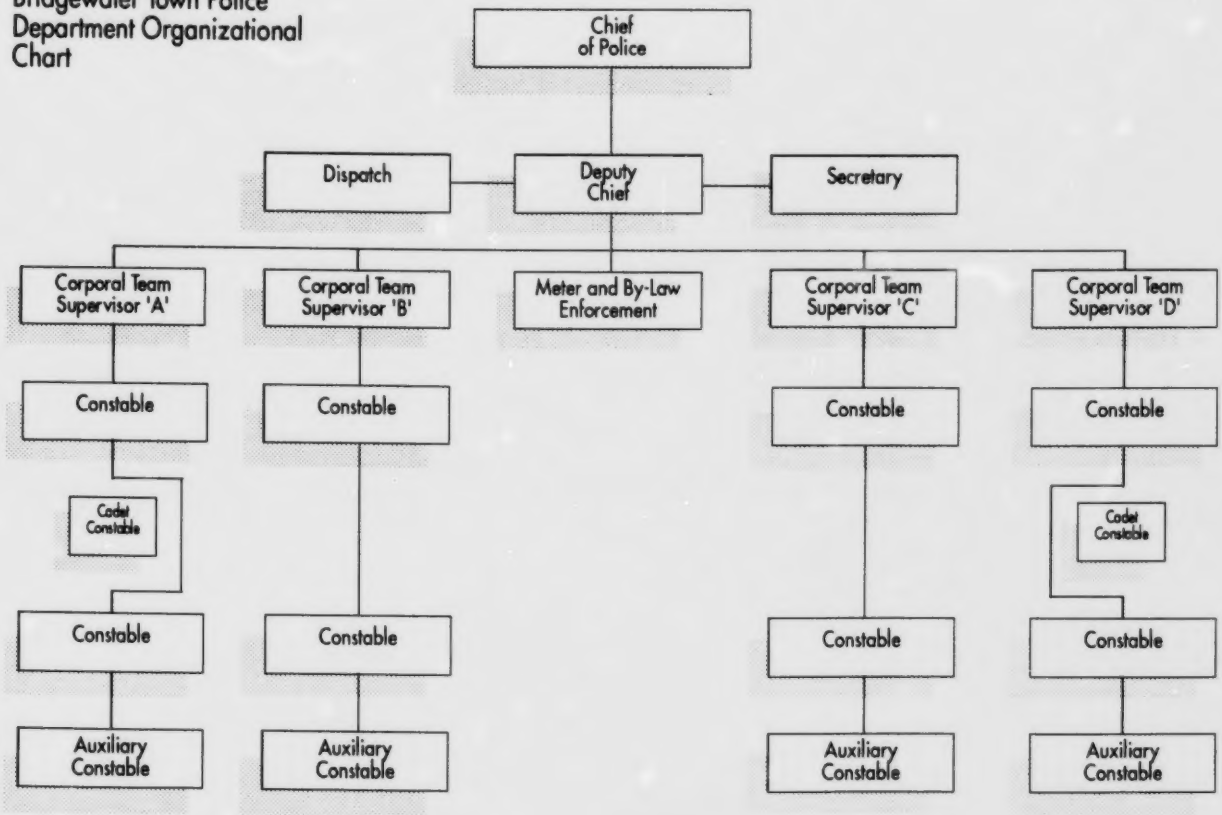
3.3
Dartmouth Police Department
Organizational Chart



3.4
Sydney Police Department Organizational Chart



3.5
Bridgewater Town Police Department Organizational Chart



4
The Sydney City Police Force, 1971

* References are to the transcripts of the public hearings before this Royal Commission.

I. Career Patterns/Education, Training and Promotion

Of the 12 officers interviewed, one entered the force in the 1930s, three in the 1940s, five in the 1950s, and three in the 1960s. Ten of them reached the rank of detective (or higher), taking an average of 16 years to do so. The early years of their careers tended to be about evenly divided between foot patrol, as a first assignment, and vehicle (car or motorcycle) patrol. Promotion to detective and to Deputy Chief is described as based almost exclusively on seniority, with no tests or exams (9:1614; 17:3005; 52:9477). There are some suggestions of uneven application of the seniority principle (9:1454-1455; 17:3089-3090; 32:5818), but no indication of merit-based criteria being utilized. Some recruits came to the force in response to newspaper advertisements (9:1552), and they tended to apply a few years after high school, at a point when they were over 21 and legally able to enter taverns (7:1242).

The fact that recruits would take employment at some quite desirable work locations (7:1286) until they were old enough to enter the police force supports the notion that police work was regarded as a comparatively good career to pursue. Educational requirements for entry to the force in the 1950s are described as a grade ten minimum, but at least one exception was made (9:1553).[1] Recruits entered the Sydney force with no formal training prior to employment, save for some experience in one instance with military police during the Second World War (7:1152-1153, 1236).[2] Richard Walsh, the current Chief, says that he was given a flashlight, a set of hand cuffs, and placed on the street when he began in 1954 (7:1286). By the late 1960s, the Deputy Chief was giving introductory lectures for a few hours per day for one or two weeks to new recruits (11:1967). However, the predominant characterization of in-force training procedures prior to the 1970s is "on-the-job training" (7:1237, 7:1287, 9:1615; 32:5815). There are also indications of attendance at occasional lectures and short courses after joining the force (17:3009-3010; 32:5815; 52:9478), but use of outside training does not appear frequent before the 1970s (7:1237; 8:1595). Ambrose MacDonald reports that they "did not have a training budget in those days" (7:1221). There have been no Native Indians who have served as regular members of the force since 1931 (16:3068). As of 1984, there had been only two Blacks on the force (36:6714).

1. Richard Walsh agreed that "knowing aldermen may have been of some benefit" in obtaining a job (81:14260).

2. The situation has changed considerably. John Mullowney states that since the late 1970s and early 1980s, "you must have had previous police experience, coming from an accredited police department or police force or you must have attended an accredited police academy" (9:1552).

II. Investigative Resources, Organization and Procedures

In 1971, the Sydney City Police Force is described as having a Chief (Gordon Kenneth McLeod), a Deputy Chief (Norman D.

MacAskill), perhaps some Staff Sergeants, a Sergeant of Detectives (John MacIntyre), three Sergeants in Detectives (Michael Bernard MacDonald [also known as M.R. MacDonald (9:1639, 1682) or "Red Mike" (32:5821)], Michael J. MacDonald [also known as "Black Mike" (32:5821)], and William Urquhart), Desk Sergeants, and Constables (9:1425-1426).[3] The force is reported to have had staff in the "high 50s" in 1971 (8:1384), and there were no written job descriptions (17:3006). The Police Commission of the day, which had some lay members, along with elected representatives of Council, might give "some direction" but "the day-to-day operation of the force would fall to the Chief of Police" (9:1455-1457). There were no Micmac representatives on the Police Commission from 1942 to 1984 (35:6562).

John MacIntyre became the senior detective in 1966 when Norman MacAskill moved to Deputy Chief (17:3004; 32:5815).[4] The other three detectives on staff in 1971 were all elevated to this rank in 1970, meaning that John MacIntyre was the only one with any real experience at the time of the Seale murder (9:1764).[5] Information within the force flowed from constables up to the detectives. Richard Walsh says, "if information came, it came from the bottom up. It did not come from the top down" (8:1353). Further, constables were not encouraged to investigate matters on their own initiative (17:3098). This hierarchical order was reinforced by the physical setting of the day as the detectives occupied a garage outside the main location at the old City Hall (8:1374-1375). The detectives also operated with considerable autonomy vis-à-vis their superiors. Deputy Chief MacAskill states that he received no formal reports from the detectives on the Seale case (17:3052). John MacIntyre acknowledged that the Chief or Deputy Chief did not always know what Mr. MacIntyre was doing. He states, "I think they had faith in me, and if they had any complaints I suppose they'd bring them to me" (32:5867). There were no evaluations or assessments of detective work (17:3011; 32:5840). Constables had very little training in dealing with serious crime (7:1152; 9:1615), and a number of errors were made at the scene of the crime because there were no officers with training at the scene (7:1294, 1299; 8:1330; 9:1577-1579, 1720).

Communication was partially structured by written reports (occurrence/crime/motor vehicle) filed by constables, and were stored in a "cubby-hole" in the cramped physical space occupied by the force in 1971 (9:1769). Detectives were not required to read reports when they came on shift[6] and the handwritten reports were only typed if they were required in court (9:1771). There was "no set record section" and record-keeping was "done in a very simple way" with a "very informal system" (7:1285-1286). Insofar as records

3. The rank of Inspector may have existed before 1980 (9:1425).

4. There were two detectives on the force in 1966 (17:3004).

5. This may help account for the fact that Michael B. MacDonald left the Seale investigation on "hold" for John MacIntyre the morning after Sandy Seale was stabbed (9:1758).

6. Anyone could read the reports available when they came on shift if they wished (9:1441).

were kept, they were maintained by name only and one could not cross-reference by other categories (9:1500-1502). There have been no formal evaluations of the Sydney City Police since the late 1960s (9:1452).

The force had no structured complaint system (7:1150; 17:3075). The majority of cases were handled internally and would not normally go to the Commission (35:6562). Ambrose MacDonald stated, "if a complaint was made it would probably go to the Chief of Police and he would handle it in his own way" (7:1150).

III. Relations with the RCMP

The RCMP offered assistance in dealing with major crime in Cape Breton as a matter of routine practice. This assistance consisted of help the RCMP was prepared to offer in terms of "briefing...contacts" and "gather intelligence" which might be of use to the local force, and did not extend to giving advice (10:1820, 1851). John Ryan, who was with RCMP Identification Services in 1971, testified that the specific offer of assistance in the Seale case was probably predicated on the seriousness of the crime and the previous record of cooperation between the RCMP and the Sydney City Police (7:1259). Norman MacAskill reports that the Sydney force used the RCMP in many cases, particularly break-and-entry offences and assaults. The RCMP Identification Services had helped in the Seto murder in 1966, as well as two other murders (17:3012-3015). Edward McNeill stated that the RCMP would normally be called out for a serious stabbing to provide fingerprinting, photography, or sketches, or help with the collection and preservation of physical evidence. Mr. McNeill knew of no logical reason for refusing the offer of help in the Seale case (15:2605, 2651). Wayne Magee, the Chief of Police for Louisburg in 1971, also indicates cooperative relations with the Glace Bay detachment of the RCMP, as well as with the Identification unit. He used Identification assistance for break-and-enters and fatal hit-and-runs (20:3618-3619). Murray Wood, a Sydney GIS member involved with the RCMP assistance offer in 1971, says he recalls no interforce rivalry which would account for the fact that the Sydney City Police declined that particular offer (10:1826).

IV. Relations with Visible Minorities

Officers generally characterized relations with Blacks and Micmacs as being quite friendly. They agreed that police officers might use stereotypes to describe members of minority groups

(15:2688), but they thought such stereotypes did not affect police behaviour towards them. Ambrose MacDonald says, "Sydney was a very peaceful community at that time and still is" (7:1131).[7] The Sydney City Police did not have formal policies on minority issues (7:1240). The Membertou Band Council did employ a Band Constable prior to 1966, and the Sydney force did not always check with him before entering the reserve (7:1245, 1248; 17:3044). Mr. Wildsmith proposed that one of these Band Constables may have resigned due to lack of cooperation from the Sydney force (9:1458).

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7. One Black who grew up with Sandy Seale in the "Coke Ovens" area of Sydney does not share this perception. Herbert Desmond testified that the police presence in his neighbourhood was "intimidating". "Their presence there was not a friendly presence. They sneered at you. Sometimes they might call you nigger, sometimes they - you know, if you were playing hockey on the road they might turn around and tell you to get off the street, you know, although if you went up to the White streets you'd notice the kids played hockey up there with no trouble at all." (80:14222).

5
The Role of the Attorney General

* Amended by S.N.S. 1985, c.33.
** Repealed by S.N.S. 1985, c.33.

(a) Under the *Police Act*, S.N.S. 1974, c.9

Section 3(1) of the *Police Act*, 1974 provides that:

"3 (1) The Attorney General is the constituted authority for the administration of justice within the Province and nothing in this Act shall be construed to change or alter this responsibility."

Section

* **3(2)** Power to order an investigation into any matter relating to policing and law enforcement in the Province.

* **3(3)** Power to specify who shall conduct such investigation, and the manner in which it will be conducted.

4(6) Duty to provide facilities and any clerical or other assistance required by the NSPC.
Duty to appoint a person to act as executive officer of the Commission.
Authority to designate a Secretary to the Commission.

5(1) Authority to assign functions and duties to the NSPC.
5(2) Authority to prescribe the time within which the NSPC must submit an annual report to the Attorney General.
Receive reports "from time to time" from the Commission.

** **6(2)** Power to direct the NSPC to hold a hearing or rehearing in public.

9(1) Power to direct the NSPC to inquire into and report to him/her upon any matter relating to,
(a) the extent, investigation or control of crime; or
(b) the enforcement of law; or
**(c) complaints made to him/her or the Commission respecting the conduct and actions of police officers and to define the scope of such inquiry.

9(2) Power to direct the NSPC, or any member thereof designated by its chairman, to investigate, inquire into and report upon
(a) the conduct of or performance of duties by any chief of police, other police officer, constable, special constable or municipal by-law enforcement officer;
(b) the administration of any police force; or
(c) the system of policing any municipality; or
(d) the police needs of any municipality.

* Amended by S.N.S. 1985, c.33.
** Repealed by S.N.S. 1985, c.33.

* Power to grant or deny to the Commission permission to conduct such investigations, inquiries and reports on its own motion.

9(3) Power, upon request of the Commission, to appoint counsel to assist the Commission in an inquiry or investigation under Section 9.

9(5) Power to require the NSPC to make a report to him/her of any investigation it makes under Section 9(2).

10 Receives an annual report from the NSPC "showing briefly the number and nature of the inquiries and investigations that it held, summaries of the findings made thereon and such other matters as the Governor in Council may direct".

11(2) Authority to control and direct the Nova Scotia Provincial Police.
Power, with the approval of the Governor in Council, to appoint the chief officer of that force.

11(5) Power to prescribe the oath to be taken, and the articles of engagement to be entered into, by provincial constables.

16(1) Power to direct which laws shall be enforced by municipal police officers.

16(2)(b) Authority to request municipal police officers to act outside the municipality for which they are appointed. [Implicit, but see also S.31, below]

16(3) Power to confer the power and authority of a provincial constable upon a member or the members collectively of a municipal police force.

17(1) Authority to grant or deny consent to the establishment of a municipal police force in certain ways.

19(2) Power to appoint one member of every municipal board of police commissioners.

** **21** Authority to grant or deny consent to the repeal of a municipal by-law constituting a board of commissioners of police.

* **28(4)** Power to designate when alternate members of the Police Review Board shall serve, and which of them shall serve, when the Chairman of the Board does not do so.

* **28C** Attorney General may be a party to the proceedings at any hearing by the Police Review Board.

* **28D** Attorney General may be represented by counsel at a hearing by the Police Review Board.
Power to call witnesses and examine or cross-examine all witnesses at such a hearing.

30(1) Power to direct a member of a municipal police force to serve in any part of the province outside the boundaries of the area for which he/she has been appointed.

30(2) Duty to reimburse the municipality for the salary and expenses of any police officer so directed under Section 30(1).

30(3) Authority to recover by court action the salary and expenses of any police officer directed under Section 30(1), from the municipality in which such officer is serving at the Attorney General's direction.

31(1) Power to assume the direction of police administration within a municipality. [Implicit]
Power to remove from a municipal police force the investigation of a crime committed in or in the vicinity of the municipality. [Implicit]
Duty to notify the police board chairman or mayor or warden of a municipality when either of these two actions is taken by the Attorney General.
Power to require members of a municipal police force from which he/she has removed the investigation of a crime pursuant to this Section, to render him/her "all possible assistance and information". [Implicit]
Power to give orders to members of a municipal police force under the circumstances provided for by this Section. [Implicit]

31(2) Power to require members of municipal police forces to deliver to any person named by him/her all warrants, papers, exhibits, photographs and other information or records in their possession or under their control dealing with any criminal case that is the subject of investigation by the provincial police force. [*Note:* Although the matter is not entirely free from doubt, Section12(4) of the Act has been interpreted to mean that, for the purposes of provisions such as this one, the RCMP, while it is providing provincial policing services under contract pursuant to Section 12(1) of the Act, shall be regarded as being "the provincial police force".]

34(1) Power to appoint such special constables as he/she considers necessary, define their offices, positions, territorial jurisdictions and duties, and make rules and regulations governing their offices,

position, duties, conduct and discipline and any other matter concerning them.

34(2) Power to confer power to appoint special constables upon the NSPC.

35 Power to grant or deny approval to municipal councils to appoint by-law enforcement officers.
Power to designate any other person to exercise this power on his/her behalf. [Implicit]

36(3) Power to prescribe the oath to be taken by special constables and by-law enforcement officers before they enter upon their duties.

(b) Under the Provincial Policing Agreement (RCMP):

The Attorney General and his/her Department negotiate the terms of this Agreement with the Solicitor General of Canada. The Attorney General signs the Agreement on behalf of the Government of Nova Scotia.

s.4(1) The Commanding Officer (CO) 'H' Division is to "act under the direction of the Attorney General in the administration of justice in the Province".

s.4(2) AG has power to "determine or approve" provincial policing objectives, priorities and goals to be implemented by the Force (s.4(3)).

s.4(4) AG is entitled to be kept informed by the Force of information in its possession "which affects the administration of justice in the Province". This information is to be provided "in a manner and form to be mutually agreed upon" between the CO and the AG.

s.4(5) Nothing in the Agreement shall be interpreted as limiting in any way the powers, duties and responsibilities of the AG, relating to the administration of justice within the province [see especially Section 3(1) of the N.S. *Police Act*].

s.5 AG may consult with Federal Solicitor General (SG) in order to resolve "any new issue, matter of general concern or dispute arising from this Agreement".

s.6(a) AG can insist on being consulted before a CO or CIB officer is appointed for 'H' Division.

s.6(b) On receipt of a written request from the AG which satisfies the Commissioner of the RCMP that sufficient cause exists why the

CO or CIB officer no longer commands the confidence of the AG, the officer concerned shall be replaced "as soon as practicable".

s.7(2) AG may request Provincial Police Services (PPS) to police municipalities with population not exceeding 1500.

s.7(3) In consultation with CO, AG may require PPS from time to time to provide temporary assistance or special expertise to other police agencies of the province.

s.7(4) With 12 months notice to the SG, the AG may exclude any geographic area or function within a geographic area from the responsibility of the PPS, so long as such exclusion does not unreasonably affect the continued provision of PPS by Canada.

s.8(1) AG is to be consulted by the Commissioner of the RCMP in determining the minimum standard of policing to be provided by PPS.

s.8(2) AG is to be provided quarterly with a schedule of the PPS listing all member and support service permanent positions by location.

s.8(3) Under specified conditions, AG can require the PPS to be increased or decreased.

s.9 Numbers and locations of detachments and additional detachments, and major changes to organizational structures of PPS (except for the location of Divisional HQ) are to be determined by mutual agreement between the AG and the Commissioner.

s.10(3) Commissioner is to discuss annually with AG alternatives to the performance by PPS of certain specified "non-police functions".

s.11 AG can require RCMP to perform emergency police duties anywhere in the province, but not for more than 30 consecutive days without the "express approval" of the Commissioner.

s.12 AG can require additional members of the Force to deal with an emergency which, in his/her opinion, exists. Commissioner must, on AG's written request, increase the strength of PPS as requested if, in the opinion of the SG, having regard to other responsibilities and duties of the Force, such increase is possible.

s.13 AG must be consulted before any members of the PPS are withdrawn from the province to deal with an emergency outside

the province.

s.14(5) Commissioner must provide AG with an annual statement of expenditures and revenue by the PPS in a manner and form to be mutually agreed upon.

s.14(6) Commissioner must consult with AG on or before October 1 each year in order to establish the resources, members and support staff required to maintain an adequate level of PPS for the next but one fiscal year.

s.14(7) Commissioner must submit annual estimates and budget for and (**8**) the PPS to the AG, together with additional related information required by AG.

s.15(2) AG must be consulted before any reduction is made in the number of lockups maintained by the Force in the province.

s.22 Any notice required to be sent to the province under the Agreement, must be addressed to the AG.

6
Recent Case Law Concerning Provincial Jurisdiction over the RCMP

The issue of the extent to which provincial administrations can legally exercise jurisdiction over the RCMP, even when the latter are providing provincial or municipal policing services to a province pursuant to an Agreement, has been considered by the Supreme Court of Canada in a trilogy of recent cases. The first of these involved the right of a provincially appointed commission of inquiry to investigate the activities of the RCMP in the performance of their federal policing duties in the province of Quebec. The second involved the jurisdiction of the Law Enforcement Appeal Board in Alberta to hear and determine a public complaint against two RCMP officers serving under a Municipal Policing Agreement in that province. The third involved the jurisdiction of the Saskatchewan Human Rights Commission to compel members of the RCMP serving under the Provincial Policing Agreement in that province to appear before a board of inquiry into allegations that the officers had violated the *Saskatchewan Human Rights Code* during the course of a routine criminal investigation.

In *Attorney General of Quebec and Keable* v. *Attorney General of Canada et al., Intervenants* (1979) 6 C.R. (3d) 145 (hereinafter referred to as the *Keable* case), the commissioner of a provincial inquiry into the events surrounding the 1970 "October Crisis" in Quebec had sought to order the production, by the Commissioner of the RCMP and the Solicitor General of Canada, of extensive documentation concerning the policies and operations of the RCMP and its Security Service. The respondents had argued that these demands were a constitutionally unwarranted attempt to intrude into the direction and management of a police force which is lawfully constituted under federal jurisdiction. A seven-member Supreme Court of Canada unanimously agreed with this contention with respect to many, but not all, of the demands which the commissioner had made of the RCMP and the Solicitor General. In that part of the majority opinion of the Court which is most relevant to the concerns of this Appendix, Mr. Justice Pigeon observed as follows:

"I thus must hold that an inquiry into criminal acts allegedly committed by members of the RCMP was validly ordered, but that consideration must be given to the extent to which such inquiry may be carried into the administration of this police force. It is operating under the authority of a federal statute, the Royal Canadian Mounted Police Act, *R.S.C. 1970, c. R-9. It is a branch of the* Department of the Solicitor General Act, *R.S.C. 1970, c. S-12, s. 4. Parliament's authority for the establishment of this force and its management as part of the Government of Canada is unquestioned. It is therefore clear that no provincial authority may intrude into its management. While members of the force enjoy no immunity from the criminal*

law and the jurisdiction of the proper provincial authorities to investigate and prosecute criminal acts committed by any of them as by any other person, these authorities cannot, under the guise of carrying on such investigations, pursue the inquiry into the administration and management of the force." (at p. 168)

In *Attorney General of Alberta et al.* v. *Putnam et al.; Attorney General of Canada et al., Intervenants* (1982) 62 C.C.C. (2d) 51 (herinafter referred to as the *Putnam* case), the constitutional question which the Supreme Court set itself to answer was put in the following terms:

"Is it constitutionally open to the Province of Alberta to apply its Police Act, *1973 (Alta), c. 44 to members of the RCMP in respect of inquiries thereunder into the conduct and performance of duty of those who perform policing and law enforcement functions in the Province?"* (at p. 53)

The two RCMP officers against whom complaints had been made were part of the municipal police services provided by the Force to the City of Wetaskiwin under a Municipal Policing Agreement. A potential constitutional complication in the case, however, arose from the fact that at the time their alleged wrongdoing occurred, they purported to be conducting an investigation under the *Narcotic Control Act* (a federal policing responsibility).

A solid majority of the full Supreme Court (Dickson, J., was the only dissenter) answered the constitutional question in the negative. The majority held that the proposition that the RCMP members concerned were subject to the investigatory and disciplinary provisions of the Alberta *Police Act* was "completely untenable" (at p. 55). In a key passage of the majority opinion in the case, Laskin, C.J.C., wrote:

"Moreover, I would not agree that this appeal falls to be decided on a narrow fact situation arising from the circumstance that the complaint against the respondents was connected with an investigation under the federal Narcotic Control Act, *R.S.C. 1970, c. N-1, being an activity excluded from the definition of "municipal police services". The position would be no different, so far as the constitutional question is concerned, if the RCMP detachment were concerned with the enforcement of the criminal law or of provincial law or municipal by-laws. It does not appear to me to be possible or practical to separate the law enforcement duties of the RCMP detachment for the purpose of determining whether in some respects they are subject to the procedures of the* Police Act, *1973 and in*

others not. The RCMP code of discipline is applicable to officers of that force, whatever be their duties, and the fact that policing contracts are authorized with a Province or a municipality does not, as art. two of the contract expressly specifies, remove them from federal disciplinary control." (at p. 59)

In *Scowby et al.* v. *Glendinning* (1987) 29 C.C.C. (3d) 1 (hereinafter referred to as the *Glendinning* case), the issue before the Supreme Court of Canada was whether RCMP officers serving under a Provincial Policing Agreement in Saskatchewan were subject to the jurisdiction of a board of inquiry established pursuant to the *Saskatchewan Human Rights Code*. The officers concerned were alleged to have acted in violation of the "right to freedom from arbitrary arrest or detention" set out in Section 7 of the Code, when engaged in a routine criminal investigation. The Court's decision in the case is not especially helpful on the question of the extent of provincial jurisdiction over the RCMP, since the majority (six-three) of the full Court disposed of the appeal by holding that Section 7 of the Saskatchewan Code itself was *ultra vires* the provincial legislature in so far as it purported to be legislation in relation to arrests for criminal offences. Under these circumstances, the majority did not have to consider the issues concerning provincial jurisdiction with respect to RCMP officers, and expressly stated that "[T]hose are issues for other tribunals in other actions" (at p. 13).

A minority of three members of the Court, however, were of the opinion that Section 7 of the Code was not *ultra vires* the provincial legislature, and therefore addressed themselves to the substantive questions concerning provincial jurisdiction with respect to the RCMP. The conclusions of this dissenting view, delivered by La Forest, J., were as follows:

"The RCMP was created to enforce the law; it would be ironic if membership in the force constituted a shield for officers who infringed it. But that is not the case. Specific conduct of individual officers in breach of the law cannot be viewed as coming within the management and administration of the RCMP, and provincial investigations into allegations of such conduct are permissible. In Keable, *a provincial inquiry into allegedly illegal acts undertaken by various members of the force was not deemed unconstitutional. What that case held was invalid, we saw, was an investigation into the administration and management of the RCMP.*

Finally, Putnam *stands for the proposition that a province cannot prescribe a code of discipline for the RCMP. The fact, however, that the conduct of an RCMP officer might give rise to internal disciplinary action against him has nothing to do with the*

administration of a provincial law of general application like the Saskatchewan Human Rights Code." (at p. 34)

Broad questions concerning the right of a provincial Attorney General to oversee the operations of the RCMP when it is serving as a provincial or municipal police force under an Agreement were not directly under consideration in any of these three cases. The language of the majorities of the Court in the three cases (and even of the minority in the *Glendinning* case), however, seems to suggest strongly that the Court tends to take a broad view of what falls under the rubric of "internal management and administration" of the force, and a rather narrow view of what matters can be considered to fall within the ambit of "the administration of justice in the Province". The latter appears from the language of the Court to embrace essentially the application of laws for the enforcement of which the provincial authorities have responsibility, to individual officers of the Force in specific cases. Matters of general Force policies, procedures, deployment, etc., would seem to be regarded by the Court as falling within the ambit of the "internal management and administration" of the Force.

Against this view, however, may be placed the clear language of the Provincial Policing Agreements which specify that provincial "policing objectives, priorities and goals" shall be "determined or approved" by the provincial Attorney General, and which require the local Commanding Officer of the RCMP to implement these objectives, priorities and goals "including, to the extent practical, the allocation of personnel and equipment reflecting provincial priorities". Such language suggests that even if constitutionally these matters lie within the exclusive jurisdiction of the federal authorities, those authorities may be considered to have delegated responsibility for them to provincial Attorneys General through the terms of the Agreements. Absent some explicit withdrawal of such delegation, there would seem to be a strong case for provincial authorities to exercise a substantial measure of direct control and influence over the RCMP in their jurisdictions by virtue of the terms of these Agreements.

At the level of constitutional interpretation in this area, the decision of the Supreme Court of Canada in the case of *Di Iorio and Fontaine* v. *Warden of the Common Jail of Montreal and Brunet et al.* (1977) 33 C.C.C. (2d) 289 (hereinafter referred to as the *DiIorio* case), should also not be overlooked. That case involved a consideration of the constitutional authority of the Quebec Police Commission to hold an inquiry into organized crime in the province, and to compel the testimony of suspected participants in criminal activities at the inquiry. The following words of Mr. Justice

Dickson (as he then was) in his opinion in the case have been much cited subsequently, and bear repetition here. After noting (at p. 325) that "[T]he words "Administration of Justice" in s.92(14) [of the *British North America Act*, 1867] are intended to have wide meaning", he said:

"Under head 92(14) of our Constitution, as I understand it, law enforcement is primarily the responsibility of the Province and in all Provinces the Attorney General is the chief law enforcement officer of the Crown. He has broad responsibilities for most aspects of the administration of justice. Among these within the field of criminal justice, are the Court system, the police, criminal investigation and prosecutions, and corrections. The provincial police are answerable only to the Attorney General as are the provincial Crown Attorneys who conduct the great majority of criminal prosecutions in Canada." (at p. 326)

As the *Keable*, *Putnam* and *Glendinning* cases illustrate, the Supreme Court of Canada, more recently, does not appear to have been especially committed to this kind of broad interpretation of provincial jurisdiction with respect to the administration of justice. In this connection, it is not without significance that Mr. Justice Dickson found himself a lone dissenter in the *Putnam* case and among a dissenting minority of three justices in the *Glendinning* case. His broad view of provincial authority under Section 92(14) of the *Constitution Act* also failed to find favour with the majority of the Supreme Court of Canada in the cases of *R.* v. *Hauser et al.* (1979) 8 C.R. (3d) 89, and *A-G of Canada* v. *C.N. Transportation Ltd. et al.; A-G of Canada* v. *C.P. Transport Co. Ltd. et al.* (1983) 7 C.C.C. (3d) 449 (hereinafter referred to as the *C.N./C.P.* case), both of which concerned provincial jurisdiction with respect to the prosecution of offences. In the latter of these two cases, Laskin, C.J.C., essentially reiterated the "narrow" view of Section 92(14) which he had expressed, in dissent, in the earlier *Di Iorio* case:

"Section 92(14) grants jurisdiction over the administration of justice, including procedure in civil matters and including also the constitution, maintenance and organization of civil and criminal courts. The section thus narrows the scope of the criminal law power under Section 91, but only with respect to what is embraced within "the Constitution, Maintenance and Organization of Provincial Courts...of Criminal Jurisdiction". By no stretch of language can these words be construed to include jurisdiction over the conduct of criminal prosecutions." (at p. 462)

As this author has noted elsewhere (Stenning, 1986: 185), however, there appear to be some contradictions on this point even within the majority opinion in the *C.N./C.P.* case itself.

From all of this case law, it will be evident that there has been in recent years substantial disagreement within the Supreme Court of Canada as to the interpretation of Section 92(14) of the *Constitution Act*, and its implications for the provincial role in the administration of criminal justice and for provincial jurisdiction with respect to federal agencies performing criminal justice functions within provincial boundaries. During the 1980s, a pro-federal "narrow" interpretation of this provision of the *Constitution Act* (espoused particularly by former Chief Justice Laskin) appears to have gained ascendancy in the Court's decisions in this area, in preference to the "broader", pro-provincial interpretation which has been particularly associated with the current Chief Justice over the years.

It is undoubtedly this judicial uncertainty, and the apparent ascendancy at present within the highest court of a "narrow", pro-federal interpretation of Section 92(14) which has led provincial authorities to be cautious in seeking to exercise jurisdiction and authority over federal agencies such as the RCMP which operate within their boundaries, even when the Agreements under which they operate explicitly acknowledge substantial supervisory authority for provincial officials. It seems likely, however, that in light of the express language of the Provincial and Municipal Policing Agreements, provincial and even municipal authorities which contract for policing services from the RCMP could assert a more substantial degree of control and influence over the provision of those services without undue fear of significant legal challenge.

Prepared by Philip Stenning
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7
Role of the Governor in Council

Under the *Police Act*

Section

4(1) Authority to establish Nova Scotia Police Commission; Power to appoint members of the Commission.
4(2) Power to designate chairman of NSPC.
4(4) Power to determine terms of office of members of NSPC.
4(5) Power to determine salary or remuneration of members of NSPC.

5(1) Power to assign functions and duties to the NSPC.

6(4) Power to designate where the NSPCs head office shall be located.

10 Power to direct what matters shall be addressed in the NSPCs annual report.

11(1) Authority to establish the Nova Scotia Provincial Police.
11(2) Power to grant or withhold approval of the appointment of a person as chief officer of the Provincial Police.
11(4) Power to direct which laws shall be enforced by the Provincial Police.

12(1) Power to contract with the Government of Canada for policing services of the RCMP in the province.
12(2) Power to determine the terms and conditions of such an agreement, and to perform and carry it out.

18(2) Power to perform and carry out a contract for policing services of the RCMP in a municipality.

* **28(1)** Power to appoint members of the Police Review Board.
* **28(2)** Power to designate the chairman of the Police Review Board.
* **28(3)** Power to appoint persons to serve as alternate members and chairmen of the Police Review Board.
* **28(5)** Power to determine the terms of appointment of members of the Police Review Board.
* **28(6)** Power to determine the remuneration to be paid to members of the Police Review Board.

37(1) Power to make regulations
(a) for the government of police forces and governing the conduct, duties, suspension and dismissal of members of police forces;
(b) governing the qualifications for the appointment of persons to

* Inserted by S.N.S. 1985, c.33.

police forces;

(c) governing the qualifications required for appointment as special constable or by-law enforcement officers;

(d) prescribing the minimum remuneration to be paid by a municipality to members of boards who are appointed by the Attorney General;

(e) providing for or granting financial assistance including guarantees to and the administration and course of study in a police training school;

* (ea) the management of the [Nova Scotia Police] Commission, the meetings and hearings and the procedure at the meetings and hearings;

* (eb) applications for and other matters relating to appointments under this Act including the fees therefor;

* (ec) the bonding of persons required to be bonded under this Act;

* (f) prescribing the procedures for dealing with complaints [respecting the conduct or performance of duties by members of police forces, special constables, and by-law enforcement officers];[1]

* (fa) respecting the investigation powers of the person assigned by the investigative branch of the Commission to conduct an investigation pursuant to this Act;

* (fb) respecting the powers, privileges and immunities of the Police Review Board;

(g) establishing minimum standards for the selection and training of municipal police officers, special constables and by-law enforcement officers;

(h) establishing a uniform minimum disciplinary code for all municipal police departments in the province;

* (ha) respecting internal discipline procedures including disciplinary authority, disciplinary hearings, investigations, time limit for commencing a proceeding, right to representation, reasons for decisions, notice of review, procedures for the internal discipline of a chief officer, participation by the Commission in discipline matters, classification of disciplinary defaults and penalties for defaults;

(i) establishing and requiring the installation of an intercommunications system for all or any police forces in the province and regulating its operation and procedures;

(j) prescribing requirements respecting clothing, uniforms, badges of rank and equipment;

(k) prescribing or regulating the number of meetings to be held by boards;

* (ka) prescribing oaths to be taken by members of the Commission and members of boards;

1. Words in brackets were repealed by S.N.S. 1985, c.33, Section 20. Note that a new, broader definition of "complaint" was inserted in Section 2 of the *Police Act* by S.N.S. 1985, c.33, Section 1.

(l) prescribing courses of training for members of police forces including the institutions where training is to take place and the qualifications of instructors;

(m) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;

(n) prescribing the method of accounting for fees and costs and other money that comes into the hands of members of police forces;

(o) prescribing what organizations and associations of police officers and what organizations and associations sponsored by police officers may solicit money or gifts from persons or sell or offer to sell to persons articles, advertisements, items or things, the records to be kept, the receipts to be given and the disclosure to be made;

* (oa) any matter relating to the powers, functions or duties of the Commission under this Act or any matter relating to the functions or duties assigned to the Commission;

(p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act including the government of the Nova Scotia Provincial Police.

[*Note:* Section 37(2) provides that "any regulation made under the authority of Subsection (1) may be general or particular in its application".]

8
Nova Scotia Police Commission, 1976-1988

Established on April 1, 1976, pursuant to Section 4 of the *Police Act*, S.N.S. 1974, c.9 as amended.

[*Note:* Substantial amendments to the 1974 *Police Act* were enacted by S.N.S. 1985, c.33. Many of these involve substantial changes to the functions, duties and powers of the Commission and its staff. The amendments, together with a revised set of Regulations, were proclaimed in force on May 1, 1988. The relevant changes effected by these amendments are noted below.]

1. Legislative Mandate

Section 5 of the *Police Act* provides that:

"5 (1) The Commission has the power and it shall be the duty of the Commission to perform the functions and duties assigned to it by this Act or by the Governor in Council or the Attorney General."

Section 7 provides that:

"7 For the prevention of crime and the preservation of peace and good order and the promotion of efficiency of police services in the Province, the Commission may

* *(a) liaise, consult and co-operate with any similar body in Canada to encourage uniformity in procedures, proceedings, standards and any other matters relating to police services;*[1]

(b) establish and maintain a central information and statistics service and a system of research studies for the purpose of aiding the police forces in the Province;

(c) consult with and advise boards of police commissioners and other police authorities and chiefs of police on all matters relating to police and police matters;

(d) provide to boards of police commissioners and other police authorities and chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information considered to be of assistance;

** *(da) determine, through a system of assessments, evaluations and inspections, the adequacy, efficiency and effectiveness of police services provided in a municipality;*

(e) establish a system of visits by its members or employees to the police forces in the Province;

(f) assist in co-ordinating the work and efforts of the police forces in the Province;

* As amended by S.N.S. 1985, c.33, Section 5.
** Inserted by S.N.S. 1985, c.33, Section 5.

1. Prior to the 1985 amendments, this paragraph read:

(a) liaise, consult and cooperate with any other similar body in the Provinces of New Brunswick and Prince Edward Island to encourage uniformity in the procedures, proceedings, standards and any other matters relating to police services in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island;

2. Prior to the 1985 amendments, this paragraph read:
(g) hear and dispose of appeals by members of police forces in accordance with this Act;

(g) conduct investigations and inquiries in accordance with this Act;[2]
(ga) provide investigative and administrative support to the Review Board;
(h) develop and approve a municipal police training program extending from the basic recruit course through all levels of in-service training including specialized courses and those embracing management, supervision and police administration;
(i) assist in the development of police education at the post-secondary school level;
(j) establish programs and methods designed to create between the public and the police a mutual understanding of police functions, duties and responsibilities and to promote police relationships with the news media and the community;
(k) make recommendations with respect to amendments to this Act or its regulations and to any other enactment dealing with law enforcement."

Section 4(8) of the Act (inserted by Section 3 of S.N.S. 1985, c.33) provides that:

"4 (8) The investigative branch [of the Commission's staff] shall carry out investigations authorized by Section 9, investigations dealing with complaints against police and disciplinary investigations on behalf of the Review Board."

[See also Section 25(4) of the Act (as amended) which is in the same vein.]

Section 25(2) of the Act (as amended by S.N.S. 1985, c.33, Section 17) provides that "the Commission may publish statistics showing the nature and resolution of such complaints" (*i.e.* public complaints against the police).

The following matters are specified by the *Police Act* as being "subject to the approval of the Commission":

- certain contractual agreements for the provision of municipal policing services (Section 18(1))
- agreements for the amalgamation of municipal police services, and the organization of an amalgamated service (Sections 32 and 33)
- municipal by-laws establishing and providing for local boards of commissioners of police (Section 20)
- municipal by-laws with respect to police discipline and procedures for dealing with breaches of it (Section 23).

Section 11 of the Act provides that members of the Provincial Police

Force are to be appointed "on the recommendation of the Commission". [*Note,* however, that Section 11(7) provides that so long as an agreement with the Federal Government providing for the services of the RCMP as a provincial police force is in effect, no provincial force shall be established under this Section. Such an agreement has been in effect throughout the history of the Commission.]

*Section 28 provided for appeals by police officers against decisions of local bodies with respect to the disposition of public complaints against such officers, to be heard by the Commission.

*Section 40 of the Regulations authorized the Commission to receive, hear and dispose of appeals by police officers against internal disciplinary decisions made by local bodies.

[*Note* that both of these appellate jurisdictions were, by Section 23(2) of the *Police Act,* made subject to the terms of any police collective agreements made pursuant to the *Trade Union Act* and which were in force at the time the *Police Act* came into force, April 1, 1976.]

* Section 28 of the Act has been amended by Section 17 of S.N.S. 1985, c.33. Under this amendment, the appellate functions of the Commission with respect to public complaints and matters of internal discipline are transferred to the new Police Review Board provided for by the amendment. New Regulations with respect to these matters have been drafted, and will come into force contemporaneously with the coming into force of the 1985 *Police Act* amendments.

Section 28(9) of the Act (as amended by S.N.S. 1985, c.33, Section 17) provides that the Chairman of the NSPC is the Registrar of the Police Review Board established pursuant to that Section of the Act. Sections 28E(5) and 28H (as amended) require particular procedures to be followed by the Registrar of the Board.

Section 34(2) authorizes the Attorney General to confer power to appoint special constables on the Commission. This power was conferred on the Commission in 1977 and remains in effect.

Section 35 authorizes the Attorney General to designate "any other person" to approve the appointment of by-law enforcement officers. The Chairman of the Commission was designated for this purpose in 1977, and remains so.

Section 8 of the *Police Services Act* authorizes the Attorney General to appoint provincial civil constables on the recommendation of the Commission. The Commission administers these appointments.

Under Section 11 of this Act, municipal councils are authorized to appoint municipal civil constables and are required to file copies of such appointments with the Commission, together with evidence that they have entered into the required security bond. With respect to Section 11, Commission staff have advised that: "No such

appointments having been made in the last ten years, or if there have been, no copy of the appointments was filed with the Commission." [Note: "civil constables" perform limited functions which are somewhat akin to those of bailiffs.]
Under the *Private Investigators and Private Guards Act,* S.N.S. 1972, c.14, the Commission is charged with responsibility for licensing contract private investigation and security guard agencies and their personnel and dealing with complaints made against those who are so licensed. The Commission has power to investigate the activities of licensees, and to suspend and revoke licenses after giving the licensees an opportunity to be heard.

2. Powers of the Commission

Section 5 of the *Police Act* provides that:

"5.(3) The Commission is authorized and empowered to hold hearings relating to the exercise of its powers and the discharge of its duties and functions assigned to it by this Act or by the Governor in Council or by the Attorney General.
(4) For the purposes of any hearing pursuant to this Act, the Commission and each member of the Commission shall have and may exercise all the powers, privileges and immunities of a commissioner appointed under the Public Inquiries Act."

Section 8 provided that:

"8. The Commission, with the approval of the Governor in Council, may make regulations respecting
(a) the management of the Commission, the meetings and hearings and the procedure at the meetings and hearings;
(b) applications for and other matters relating to appointments under this Act including fees therefor;
(c) the bonding of persons required to be bonded under this Act;
(d) the procedure on the matters relating to complaints under this Act;
(e) any matter relating to the powers, functions or duties of the Commission under this Act or any matter relating to the functions or duties assigned to the Commission by the Governor in Council or the Attorney General."

[Note: Section 8 was repealed by S.N.S. 1985, c.33, Section 6. The authority to make regulations on the matters previously covered by

Section 8 of the Act has now been conferred on the Governor in Council - see Section 37(1), as amended by S.N.S. 1985, c.33, Section 17.]

Section 9 provides that:

"9 (1) The Attorney General may direct the Commission to inquire into and report to him upon any matter relating to
(a) the extent, investigation or control of crime; or
(b) the enforcement of law; or
(c) complaints made to him or the Commission respecting the conduct and actions of police officers, and he shall define the scope of the inquiry in the direction.[3]
(2) The Commission or any member thereof designated by the chairman may investigate, inquire into and report upon
(a) the conduct of or performance of duties by any chief of police, other police officer, constable, special constable or municipal by-law enforcement officer;
(b) the administration of any police force; or
(c) the system of policing any municipality; or
(d) the police needs of any municipality

on its own motion with the concurrence of the Attorney General, and whenever[4]

(e) directed by the Attorney General; or
(f) requested by a majority of the members of a board or a council, where there is no board, respecting such matters as are under the jurisdiction of the municipality."

Section 4(9) of the Act (inserted by Section 3 of S.N.S. 1985, c.33) provides that:

"4(9) A person conducting the investigation authorized by this Act[5] *is a special constable during the investigation and a hearing relating to the matter under investigation."* [5]

Section 29(2) of the Act implicitly recognizes the power of the Commission to act as an intermediary in the solicitation or engagement of the services of persons to serve as municipal police officers.

3. Repealed by S.N.S. 1985, c.33, Section 7.

4. The words "on its own motion with the concurrence of the Attorney General, and" were inserted by S.N.S. 1985, c.33, Section 7.

5. The context of this provision makes it clear that it applies only to members of the investigative branch of the Commission's staff.

3. Commission Members

Chairman	Vice-Admiral Harry A. Porter *(full time)*	1976-1986
(Acting)	Murray J. Ritch (lawyer) *(part time)*	1986-present
Members (part time)	G. McConnell (lawyer)	1976-1980
	Colin Chisholm (businessman; mayor of Antigonish)	1976-1980
	Dennis Ashworth (lawyer)	1980-1982
	William Henley (insurance exec.)	1980-1982
	Rev. Neil G. Price (ordained minister)	1982-present
	Murray J. Ritch (lawyer)	1982-1986
	Reinhold M. Endres (solicitor in the Attorney General's Department)	1986-present

4. Staff

Executive Director	Insp. A.D. Wyatt (seconded from Halifax P.D.)	1976-1978
	Insp. Keith D. Cole (seconded from Dartmouth P.D.)	1978-1980
	Insp. Leo C. Storm (seconded from Halifax P.D.)	1980-1982
	This position has been vacant since 1982	
Director, Personnel Development	Ronald G. Bedgood (retired from Halifax P.D.)	1977-1987
	Al Swim (former member of Fredericton, N.B. City Police; former Assistant Director of the Atlantic Police Academy; former instructor in the Correctional Services Division, N.S. Attorney General's Department)	1987- present
Director, Police Research and Statistics	George A Smith (retired from RCMP)	1977- present
Director & Inspector Security Services	J. Edward McNeil (retired from Sydney P.D.)	1977- present
Secretary to the Commission	Carmen Matte	1976- present
Secretary to the Directors	Paulette Hebert	1978-1985
	Shauna Beaman	1985- present

Note: The Executive Director and each of the three Directors also serve as Regional Advisors to municipal police forces and their governing authorities.

5.Meetings of the NSPC

1976	5	1982	6
1977	5	1983	8
1978	7	1984	18
		(7 "informal")	
1979	6	1985	7
1980	7	1986	9
1981	9	1987	4
		1988 (to date)	3

7. Involvement in Selection and Promotion Routines:

(a) Selection routines - recruits

1980	1	1984	-
1981	1	1985	4
1982	1	1986	1
1983	1	1987	3
		1988 (to date)	-

(b) Promotion routines

1977	1	1983	3
1978	2	1984	1
1979	1	1985	10
1980	3	1986	5
1981	2	1987	2
1982	3	1988 (to date)	1

(c) Interview boards - chiefs of police

1977	3	1983	1
1978	1	1984	2
1979	1	1985	1
1980	1	1986	-
1981	2	1987	-
1982	2	1988 (to date)	-

Note: In the 1978, 1979, 1980 and 1981 Annual Reports there are discrepancies between the figures given in the texts and those given in the statistical appendices.

6. Assessments of Municipal Police Departments

	New Requests	Completed	Outstanding	Completed to Date
1976	-	-	-	-
1977	4	3	1	3*
1978	2	2	1	5*
1979	1	1	1	6*
1980	2	3	-	9
1981	1	-	1	9
1982	1	1	1	10
1983	1	1	1	11
1984	-	1	-	12
1985	1	1	-	13
1986	1	1	-	14
1987	1	1	-	15
1988 (to date)	-	-	-	15

*There appear to be discrepancies between the texts and the statistical appendices in the reports for these years.

Municipal police departments assessed

Bridgewater	1977	Berwick	1980	Louisburg	1983
Wolfville	1978	Glace Bay	1980	New Glasgow	1984
Dominion	1978/79	Mahone Bay	1980	Annapolis Royal	1985
Stellarton	1979	Middleton	1980	Lunenburg	1986
Amherst	1980	Springhill	1982	New Waterford	1987

Municipal police departments which have not been assessed

Bedford	Kentville	Trenton
Dartmouth	North Sydney	Truro
Halifax	Sydney	Westville
Hantsport	Sydney Mines	

In 1979 Commission staff prepared proposals for the restructuring of the Sydney and Dartmouth police departments.

In 1980 Commission staff conducted a study of policing requirements for the Town of Sackville. In the same year, a previous assessment of the Middleton Police Department was "evaluated".

Between 1980 and 1982, Commission staff prepared a study of the feasibility of regional policing in Cape Breton.

In 1982, Commission staff assisted the Department of Municipal Affairs with an assessment of policing service requirements for the proposed new Town of Bedford, and then assisted the Town of Bedford by developing in-depth planning for the establishment of its Police Department.

In 1985, Commission staff conducted a personnel related study for the Mahone Bay Police Department, with reference to

8. Public Inquiries and Investigations:

(a) at the direction of the Attorney General		(b) at request of municipal authorities	
1976 -	1982 -	1976 -	1983 3 (re Kentville, Springhill** and Louisburg P.D.'s)
1977 -	1983 2 (re Halifax* and Sydney P.D.'s)	1977 -	1984 -
1978 -	1984 -	1978 -	1985 2 (re Springhill and Annapolis Royal*** P.D.'s)
1979 1 (re Halifax P.D.)	1985 -	1979 1 (re Sydney P.D.)	1986 -
1980 1 (re Halifax P.D.)	1986 -	1980 -	1987 -
1981 1 (re New Waterford P.D.)	1987 -	1981 -	1988 (to date)
	1988 (to date)	1982 -	

* Investigation was discontinued after criminal charges were laid.
** Investigation was discontinued after the Police Board withdrew its request for it.
*** Commission investigators recommended against a public inquiry.

9. Hearing and Disposition of Appeals:

(a) From police officers against internal discipline:		
1976 -	1978 1	1980 -
1977 -	1979 2	1981 -
(b) From members of the public against disposition of their complaints:		
1976 -	1978* -	1980 - (Commission staff conducted 2 investigations)
1977 -	1979** - (Commission staff conducted 2 investigations)	1981 - (Commission staff conducted 5 investigations)
(c) From both members of the public and police officers:		
1982 2 investigations 1 appeal (discipline)	1984 2 investigations	1986 2 investigations
1983 1 investigation	1985 -	1987 1 appeal (discipline)
		1988 - (to date)

* In 1978, one appeal was made to the Commission, but was withdrawn "at the last minute".
** In 1979, one appeal was made, but was abandoned by the complainant.

10. Public Complaints Against Municipal Police: (as reported in NSPC Annual Reports)

Year	# of Municipal Police	Total Complaints	Informally Resolved/ Abandoned	Found Unsubstantiated	Resulted in Discipline or Advice	Pending
1982	724	80	40	33	7	
1983	731	61	29	21	11	
1984	728	72	45	18	16	
1985	708	81	51	16	14	
1986	723	87	54	18	13	2
1987	750	80	50	12	17	1

No figures were reported in the Annual Reports for the years 1976, 1978 and 1979. Figures reported in the Reports for 1977, 1980 and 1981 were reported in a way which does not permit the above breakdown to be presented.
If the figures reported for the years 1980 and 1981 are typical, the great majority of the cases which fall under the heading of "Resulted in discipline or advice" resulted in advice rather than discipline (8 out of 9 in 1980, and 9 out of 12 in 1981). The breakdown of those in the "Informally resolved/abandoned" column for the years 1980 and 1981 was:

	Informally resolved	Not proceeded with
1980	49	24
1981	17	18

The fact that 1986 and 1987 are the only years in which cases are reported as "Pending" suggests that statistics for earlier years may contain inaccuracies.

11. Internal Disciplinary Matters (as reported in NSPC Annual Reports)

Year	# of Municipal Police	Matters Investigated	Dismissed	Resulted in Discipline	Pending
1982	724	67	12	48	7
1983	731	55	7	43	5
1984	728	62	19	36	7
1985	708	40	10	26	4
1986	723	62	35	24	4
1987	750	59	27	30	2

Figures were not reported for the years 1976-1979. Figures reported for the years 1980 and 1981 were reported in a way which does not permit the above breakdown to be presented. Where action was taken against officers in 1980, it was more frequently "discipline" rather than "advice" (12 cases out of 16). In 1981 the opposite was the case (8 out of 25).

the assessment of that force which the Commission had undertaken in 1980.

In 1984, appeals against local decisions concerning public complaints could be made either to the NSPC or to the Attorney General. From 1985, all such appeals were to the Attorney General, not to the NSPC.

As of May 1, 1988, when the 1985 amendments to the *Police Act* were proclaimed in force all appeals from internal disciplinary matters and public complaints are heard by the new Police Review Board. The NSPC, however, provides investigation services for the new Board. The Chairman of the NSPC is the Board's Registrar.

9
The Police Review Board

1. Establishment

The Police Review Board is established pursuant to Section 28 of the *Police Act*, as amended by 1985, c.33, Section 17 (proclaimed in force on May 1, 1988).

The Board is to consist of three members appointed by the Governor in Council. One of these is to be designated as Chairman of the Board by the Governor in Council. The Act also makes provision for the appointment of alternate members and chairmen (Sections 28(3) and (4)).

Three members of the Board constitute a quorum (Section 28(7)).

The Chairman of the Nova Scotia Police Commission is the Registrar of the Review Board (Section 28(9)).

The Board is supported by the Investigative Branch of the Nova Scotia Police Commission, which undertakes investigations on its behalf (Section 4(7) and (8)).

2. Jurisdiction

The Board's jurisdiction extends to:

(1) review of complaints against the police;
(2) review of the imposition of discipline on officers;
(3) review of suspensions of officers.
(Section 28A)

[*Note:* the jurisdiction of the Board is restricted to matters involving municipal police forces and their personnel in the province. It does not extend to matters involving members of the RCMP serving in the province.]

The Board has no original jurisdiction or investigative authority. It, and the Investigative Branch of the Nova Scotia Police Commission when it investigates on its behalf, can only become involved after some other authority (a chief officer of a municipal police force, or a board of police commissioners) has initially dealt with a complaint or a disciplinary matter.

In the case of a complaint, if the matter is not "satisfactorily resolved" (*i.e.* to the satisfaction of the complainant and the officer complained against) by the authority having jurisdiction at first instance, the matter is automatically referred to the Investigative Branch. If that Branch is not able to resolve the matter satisfactorily, it conducts an investigation, on completion of which the matter is automatically referred to the Board for review and a hearing.

[*Note:* there appears to be some conflict between the provisions of the Act (particularly Subsections 25(3) and (4)) and those of the Regulations (particularly Regs. 12 and 13) with respect to the procedure for dealing with public complaints.]

In the case of an internal disciplinary decision, an officer who has been disciplined or suspended may apply to have the matter referred to the Police Review Board for review and a hearing.

3. Procedures

Hearings by the Board with respect to public complaints against the police are to be held in public "unless the Review Board is of the opinion that it is in the interest of public morals, the maintenance of order or the proper administration of justice to exclude members of the public for all or part of the proceedings" (Reg. 23(1)). Hearings with respect to disciplinary matters are to be held in private (Reg. 23(2)).

The following may be parties to a hearing by the Board:

(1) the complainant (if the hearing involves a complaint)
(2) the officer(s) complained against or disciplined
(3) the chief officer or his/her delegate
(4) the board of police commissioners
(5) any person who can demonstrate a personal interest in the proceedings and
(6) the Attorney General* (Section 28C).

* It is not clear whether, with the recent creation of the new office of Solicitor General, it will now be the Solicitor General who becomes a party to these hearings.

A hearing by the Board is a hearing *de novo*, and the parties can appear, be heard, be represented by counsel, and call, examine and cross-examine all witnesses (Section 28D).

Regulation 26 provides that at a hearing of the Board "the burden of proof shall be on the balance of probabilities".

Decisions of the Board must be written, with reasons, and are final. Decisions awarding costs against any party may be enforced through a procedure making them orders of the county court and enforceable as such (Section 28E(3)-(5)).

4. Powers

Section 28E provides that:

"28E (1) At a hearing under this Act, the Review Board may
(a) make findings of fact;
(b) dismiss the matter;

(c) find that the matter under review has validity and recommend to the body responsible for the member of the municipal police force what should be done in the circumstances;
(d) vary any penalty imposed including, notwithstanding any contract or collective agreement to the contrary, the dismissal of the member of the municipal police force or the suspension of the member without pay;
(e) affirm the penalty imposed;
(f) substitute a finding that in its opinion should have been reached;
(g) award or fix costs where appropriate; and
(h) supersede a disciplinary procedure or provision in a contract or collective agreement."

Regulation 27(2) provides that when the hearing is a review of an internal disciplinary decision respecting a chief officer or deputy chief officer and the Board determines that a penalty should be imposed, the Board may only (a) reprimand the officer, (b) recommend his/her dismissal, or (c) recommend that he/she be required to resign.

Regulation 28(6) provides that the Board "has all the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*".

10
Memoranda Re Municipal Police Funding Information

Municipal Expenditure

Municipal Grants Act	Former Municipal Services Act
General Government	
Police Protection	Police Protection
Fire Protection	Fire Protection
Other Protective Services	
Transportation Services	Street Lighting Only
Garbage Collection and Disposal	Garbage Collection and Disposal
Storm Sewage Collection and Disposal	
Parks and Playgrounds	

[This is a memorandum dated April 13, 1988 from the Department of Municipal Affairs to the Deputy Solicitor General giving information on municipal police funding.]

"From 1967 to 1979 inclusive, this Department through the *Municipal Services Act* provided conditional assistance for a number of services including the operation and maintenance of police departments. In each case, a maximum shareable amount was established. For policing, this maximum share was determined using population and street mileage.

Since 1980, when the *Municipal Grants Act* was introduced, the payments made to municipalities have been unconditional. A number of factors are used in the calculation of the unconditional operating grant including uniform assessment and dwelling units.

Standard Expenditure Per Dwelling Unit

A number of services are included in the development of this standard. As well, the base used to calculate the standard expenditure per dwelling unit is much larger than the previous base used to cost share under the *Municipal Services Act*.

The 'Police Protection' element is approximately 25 percent of the operating standard expenditure per dwelling unit.

The other components used in determining the unconditional operating grant are the number of dwelling units and the uniform assessment. The standard expenditures determine the amount of money which is allocated to each class (Cities, Towns and Municipalities). The uniform assessment and the dwelling units are the factors which affect the distribution within each class. Unfortunately, it is not possible to directly relate any expenditures to the operating grant as could be achieved with the *Municpal Services Act*."

[This is a letter from the Department of Municipal Affairs to Counsel for the Attorney General giving further explanation of municipal police funding.]

"In response to your request in the letter dated May 25, 1988, I have the following information.

1. Other Protective Services include consumer investigation, protective inspection, i.e. building inspection and animal and pest control. These services exclude land registry offices and the administration of justice.

2. The police protection operation costs are obtained from the estimates provided by the municipalities which finance and deliver this service. The classification of the municipalities are determined by the size and urban or rural character of a municipal unit. The various municipal units are grouped in the following classes:

Class I - over 7500 dwelling units
Class II - 3000 to 7499 dwelling units
Class III - 250 to 2999 dwelling units
Class IV - urbanized areas of rural municipalities
Class V - rural municipalities excluding Class IV above.

Implied in the program is the intention to treat similar types of communities the same regardless of the legal form of municipal incorporation.

For each class, the total estimated expenditures are divided by the number of dwelling units to determine the operating standard expenditure per dwelling unit. The police protection element is 25 percent of this standard for Classes I, II and III.

The Police protection costs would include operating costs for the police commission, administration, crime investigation and prevention, traffic services, training, police stations and buildings, police automotive equipment and the detention and custody of prisoners.

I trust this is a satisfactory response to your concerns. Please contact me if there is any further information you require."

11
The Role of Municipalities

(a) Under the *Police Act*, S.N.S. 1974, c.9, as amended

Section 13(1) of the *Police Act* provides that:

"13 (1) Every municipality is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force at its expense in accordance with its needs."

The obligation to provide and maintain a police force can be discharged by:

(1) the municipality appointing its own force (under Section 15 of the Act);
(2) entering into an agreement with another municipality, the Province or the Federal Government for the provision of policing services for the municipality (under Section 18). Such agreements require the approval of the Nova Scotia Police Commission, however; or
(3) by the Province providing policing for the municipality through the Provincial Policing Services of the RCMP (under Section 12 - the so-called "extended contract").

With the consent of the Attorney General, a municipality may provide policing services by a combination of these options (Section 17), but this does not relieve it of its responsibility under Section 13(1).

The council of the municipality appoints the chief officer of the municipal police force (Section 15) and determines the size of the force and the remuneration of its members (Section 14).

Until 1988, a chief officer served "at the pleasure of the council or according to the terms of the resolution by which he was appointed", and could only be dismissed pursuant to a majority vote of the entire council at an open meeting (Section 15(2)).

Section 15(2), as amended in 1985 (proclaimed in force in 1988), now provides that:

"15 (2) The chief officer of a municipal police force holds office for one year after his appointment during pleasure and thereafter may be dismissed by the council only for just cause."

Note that Section 20(2) refers to "the right of a municipality to direct its own police operations". This must be read in the light of Section 15(5), however, which provides that:

"15 (5) Except when inconsistent with the provisions of this Act, the actual day to day direction of the police force with respect to the enforcement of law and the maintenance of discipline within the force shall rest with the chief officer or person acting for him."

[*Note:* the implications of these two provisions, when read together, for the role of municipal councils in the running of their police forces, remain somewhat unclear.]

The *Police Act* requires municipalities to pass by-laws with respect to the following matters:
(1) governing the appointment, promotion, suspension, dismissal and reinstatement, by the board of police commissioners or the chief officer, of members, special constables, by-law enforcement officers and civilian employees of the municipal police force (Section 15(3) and (4));
(2) establishing a board of police commissioners (if it appoints a police force under Section 15 (Section 19(1)).
[*Note:* prior to 1988, only municipalities with a population of 1,500 or more, and which appointed their own police forces under Section 15, were required by Section 19(1) to establish boards of police commissioners. Section 19(2) provided that other municipalities which appointed their own police forces could establish boards of police commissioners if they wished. Section 21 (now repealed) provided that by-laws establishing such "optional" boards could only be repealed with the consent of the Attorney General.]

Section 20 provides that a council may enact a by-law prescribing (a) the powers and duties to be exercised by a board of police commissioners, and (b) the rules and regulations governing proceedings of such boards. Such by-laws are subject to the approval of the Nova Scotia Police Commission.

Section 19(12) provides that the procedure for the annual submission to it, by a board of police commissioners, of a budget for the police force, is to be prescribed by the council.

Section 19(6) provides that the council may provide for a reasonable remuneration (which must be not less than the minimum prescribed by the Regulations) for members of a board who are not members of the council, and for an allowance for members of a board who are members of the council.

Under the new Section 18A of the Act (proclaimed in force in 1988) municipalities which maintain their own police forces are liable in respect of any tort committed by a member of the force in the performance or purported performance of his duties "in the same manner as a master is liable in respect of a tort committed by a

servant in the course of employment". They are required to pay any damages and costs awarded against, or incurred by, a member of the force with respect to such a tort, and any sum required in connection with settlement of a civil claim arising out of such a tort. The municipality has the right to defend any such claim in the name of the force member, and to make any investigation, negotiation or settlement it deems necessary in this connection.

Until 1988, councils of municipalities which had their own police forces but had no board of police commissioners, had the same responsibilities with respect to the handling of complaints against the police and internal disciplinary matters as boards did in those jurisdictions which had boards (see Appendix 12 on "Municipal Boards of Police Commissioners"). With the 1985 amendments to the *Police Act*, however, these responsibilities have been completely removed from municipal councils.

Until 1988, councils of all municipalities which maintained their own police forces and had boards of police commissioners, had appellate jurisdiction with respect to decisions of their boards in dealing with complaints against the police and internal disciplinary matters. The 1985 amendments to the *Police Act*, however, completely removed these responsibilities from councils.

(b) Under Municipal Policing Agreements

The role of a municipality when it contracts with the Federal Government for the provision of municipal policing services by the RCMP, is spelled out in the Municipal Policing Agreement.

Section 3 of the Agreement provides that the member in charge of the municipal detachment shall

"(a) in enforcing By-Laws of the Municipality, act under the lawful direction of the Chief Executive of the Municipality, or such person as may be designated in writing for this purpose by the Chief Executive; and
(b) report as often as requested to the Chief Executive of the Municipality, or to such person as may be designated in writing for this purpose by the Chief Executive, on the subject of law enforcement in the Municipality."

This provision, however, must be read in the light of Section 2, which provides that:

"2 (1) The internal management of the Municipal Police Services, including administration and the application of professional police procedures, shall remain under the control of Canada.*

* i.e. the municipal detachment of the RCMP

(2) Nothing in this agreement shall be interpreted as limiting in any way the powers, duties and responsibilities of the Attorney General relating to the administration of justice within the province."

Section 6 - the municipality can request increases or decreases in the size of the municipal detachment. Subject to certain conditions spelled out in the Agreement, the Commissioner of the RCMP is obliged to meet such requests.
Section 7 - the municipality may request, with reasons, the removal of a particular member of the municipal detachment. Such request must be given "full consideration" by the Commissioner, but his decision on it is final.
Section 8 - the Chief Executive of the municipality must be advised if any members of the municipal detachment are withdrawn in order to meet an emergency outside the province, and if such withdrawal is to last for more than 30 days.
Section 9 - the municipality is obliged to provide accommodation, jail facilities and garage space for the detachment, or pay for these if they are provided by the Federal Government.
Section 10 - the municipality is obliged to pay various specified expenses incurred by the detachment in its obtaining services for certain kinds of persons with whom it must deal. It must also provide stenographers and "other necessary support staff" for the detachment.
Section 12 - the municipality must pay for the municipal policing services provided under the Agreement in accordance with a formula specified in the Agreement.
Section 14 - the Commissioner is required to consult with the Chief Executive of the municipality each year in order to establish the resources, members and support staff needed for the municipal detachment in the next year but one.
Sections 15 and 16 - the Commissioner is required to submit annually to the Chief Executive budgetary estimates with respect to the services to be provided by the RCMP under the Agreement, as well as related information requested by the Chief Executive.
Section 22 - the municipality can terminate the Agreement on two years notice to the Solicitor General of Canada.

12
Municipal Boards of Police Commissioners

1. Requirement For a Board

1974-1988: Section 19 of the *Police Act* provided that:

"19(1) Every municipality having a population of one thousand five hundred persons or more which provides and maintains a police force by the appointment of members of the police force pursuant to the authority of Section 15 shall, by by-law, provide for a board of police commissioners."

Such boards were optional for municipalities having populations of less than 1,500, which had their own police forces (Section 19(2)).

Once constituted, "optional" boards could not be disbanded without the consent of the Attorney General (Section 21 of the *Police Act* - now repealed, since boards are no longer optional in any jurisdiction).

As of April 1988, 23 municipalities which had their own police forces had municipal boards. Twenty-two of them were required to have these boards by Section 19(1). The remaining one (Mahone Bay) had an optional board. Two municipalities having their own police forces did not have boards (Annapolis Royal and Hantsport).

1988: As of May 1, 1988, Section 19 now provides that:

"19(1) Every municipality which appoints a municipal police force pursuant to Section 15 shall, by by-law, provide for a board of police commissioners."

2. Composition

1974-1988: Section 19(3) provided that:

"19(3) A board shall consist of either
(a) one person appointed by the Attorney General and two members of the council appointed by the council; or
(b) such number of persons as is determined by the council and appointed by the council, including if it so wishes the whole of the council, plus one person appointed by the Attorney General."

As of April 1988, all of the boards which existed in Nova Scotia were composed pursuant to paragraph (b) rather than paragraph (a) of Section 19(3).

Municipalities whose boards must include non-elected citizens (other than the Attorney General's appointee)

2 citizens	Amherst (5) Bedford (5) Berwick (5) Springhill (6) Sydney (10)
1 citizen	Dominion (5) *Halifax (5) Middleton (5) Stellarton (5)

( ) - indicate total size of board:
* The non-elected citizen is currently chairman of the Halifax B.P.C.

Municipalities whose boards may include non-elected citizens (other than Attorney General's appointee), at the discretion of council

Bridgewater	not more than 1 non-elected citizen (5-member board)
Wolfville	up to 3 non-elected citizens (5-member board)

Sizes of these boards were as follows:

four-member boards -	New Glasgow, Trenton, Truro
five-member boards -	Amherst, Bedford, Berwick, Bridgewater, Dominion, Halifax, Lunenburg, Mahone Bay, Middleton, Stellarton, Westville, Wolfville
six-member boards -	New Waterford, Springhill
eight-member boards -	Glace Bay
ten-member boards -	North Sydney, Sydney, Sydney Mines
sixteen-member boards-	Dartmouth

(Information on the Kentville Board of Police Commissioners was not available.)

Of the 22 boards about which information was available, 17 had a majority of locally elected members. In 11 municipalities, all members of the board (other than the Attorney General's appointee) must be members of council. In two other municipalities, all members of the board (other than the Attorney General's appointee) may be members of council. Three had a minority of locally elected members. One had an equal number of locally elected and non-elected members. One allowed for a majority or minority of locally elected members, at the discretion of council. In 13 municipalities, the mayor is *ex officio* a member of the board.

1988: Section 19(2) now provides that:

"19(2) A board consists of not fewer than two nor more than six persons appointed by the council and one person appointed by the Attorney General."

3. Role

Under Section 20 of the *Police Act*, the "powers and duties" of a board and the "rules and regulations" governing its proceedings, may be prescribed by the municipal council by by-law, subject to the approval of the Nova Scotia Police Commission. A board has "sole jurisdiction over the matters so delegated to it."
Section 20(2) provides that:

"(2) Notwithstanding the right of a municipality to direct its own police operations, the function of any board shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force but shall not

exercise any jurisdiction relating to complaints, discipline or personnel conduct except in respect of the chief officer of the municipal police force."

[*Note:* all the words after the words "police force" in the fourth line of this subsection were added by an amendment to the *Police Act* passed in 1985, and proclaimed in force in 1988.]
It should be noted too that Section 15(5) of the Act provides that:

"(5) Except when inconsistent with the provisions of this Act, the actual day to day direction of the police force with respect to the enforcement of law and the maintenance of discipline within the force shall rest with the chief officer [of the municipal police force] or person acting for him."

Boards are required to hold at least one meeting every three months (Section 19(8)). Meetings must be open to the public, but "all matters relating to discipline, contract negotiations and security of police organizations may be conducted in private meetings" (Section 19(10)).

Boards are required to submit a budget for the police force to the council for its "consideration and approval" each year, in accordance with a procedure prescribed by council (Section 19(12)).

Until 1988, boards were required to deal with complaints against their chiefs of police in the first instance (Section 22(2)). This provision has now been amended, however. Section 24, as amended, now provides that:

"24 (1) A complaint respecting the conduct or performance of duty of a member of a municipal police force who is the chief officer shall be referred to the board.
(2) Upon receiving a complaint respecting the chief officer, the board shall attempt to resolve the matter in an informal manner.
(3) The board may cause an investigation to be made of the complaint."

Section 25, as amended, now provides that where a complaint against a chief officer is "satisfactorily resolved" by a board, the board must forward to the Nova Scotia Police Commission a copy of the complaint and a notice of the manner of the final disposition thereof. Where the complaint has not been satisfactorily resolved by the board, it must be referred to the investigative branch of the Commission in accordance with the regulations. The investigative branch of the Commission is then required to investigate the matter

and attempt to resolve the complaint. Failing this, it is to be referred to the Police Review Board for a hearing (Section 27, as amended).

Under the Regulations promulgated pursuant to Section 37 of the Act, a board is the disciplinary authority of first instance with respect to disciplinary offences alleged to have been committed by a chief or deputy chief (Regs. 15(2), 16(17)-(25) and 19(4)).

Boards, in agreement with their chief officers, are also responsible for dealing with more general complaints against their forces as a whole (Reg. 7).

Under Regulations 21 and 22, Boards are required to review decisions by their chief officers with respect to the suspension of members of their forces suspected of disciplinary offences.

Regulation 24 provides that a Board is a party to a Police Review Board hearing involving a member of the police department for which it is responsible.

Under Regulation 31(2), Boards are required to inquire into any discharge of a firearm by their chief officers and, in the event that death or injury resulted, submit a report on the matter to the Nova Scotia Police Commission.

Boards also played a role as the forum for a first appeal by a member of the police force against an adverse decision of the chief with respect to a complaint against him (Section 26) and with respect to internal disciplinary charges (Regs. 35-38). These provisions have now been repealed, however, and these appellate functions have been transferred to the new Police Review Board.

Boards are now required to establish written policies respecting extra-duty and off-duty employment by members of their police forces (Section 21, as amended in 1985).

4. Powers

A board may contract and may sue and be sued in its own name (Section 19(8)).

For the purposes of an investigation of the chief, a board had "all of the privileges and immunities" and could "exercise all the powers of a commissioner appointed under the *Public Inquiries Act*" (Section 22(4) - now repealed).

In hearing appeals, boards could confirm or reverse the findings of the chief officer, or confirm, mitigate or commute any or all punishments imposed (Section 27 - now repealed).

The revised Regulations of 1988 provide that an authority conducting an investigation pursuant to the regulations has "all the powers and privileges of a peace officer" (Reg. 16(7)).

Regulation 29 provides that:

"29 (1) A municipal board of police commissioners may make rules and regulations not inconsistent with the Act or these regulations with respect to the police force in the municipality for
(a) the administrative direction, organization and policy of the police force;
(b) preventing neglect or abuse by the police force; or
(c) rendering the police force more efficient in the discharge of its duties.
(2) In the interests of uniformity, rules or regulations made pursuant to Subsection (1), shall be sent to the [Nova Scotia Police] Commission for approval prior to promulgation."

13
Model By-Law to Establish a Municipal Board of Police Commissioners

By-Law No. _____ Of The Town of _____

1. (a) The Town Council shall, at its first regular meeting in the year , following approval of this by-law, and at its first regular meeting in each year following, appoint three of its members who, together with a person to be appointed by the Attorney General of Nova Scotia, shall be and form the Board of Police Commissioners of the Town of _____ (hereinafter called "the Board"), having all of the powers and duties of such a board established pursuant to the provisions of Chapter 9, Nova Scotia Statutes of 1974, The *Police Act*, and the regulations made under the Act, as amended, and as set forth hereunder.
(b) Where a vacancy occurs on the board by reason of the death of a member appointed by the Council, or where such a member is unable to carry on his duties as a member of the board by reason of his illness or absence the Council shall at its first regular meeting following such event appoint another of its members to be a member of the board in place or stead of the deceased, ill or absent member.

2. The members of the board appointed by Council shall serve without remuneration.

3. The Board shall, at its first meeting of each year, choose its chairman and vice-chairman.

4. (a) Regular public meetings of the board shall be held at the Council Chambers on the first Tuesday of each of the months of January, April, July and October of each year commencing at 7:30 o'clock in the afternoon, or at such other time or place as the board shall determine, provided that there shall be at least one such public meeting every three months, and the date, time and place of the public meetings shall be advertised.
(b) The board may meet *in camera* at any time on 24 hours notice by the chairman or any two members or any time with unanimous consent of all members concerning all matters relating to discipline, personal conduct, contract negotiations and security of police operations.
(c) The Chief of Police or Deputy Chief of Police shall, whenever practicable, attend all meetings of the board, whether public or *in camera*.
(d) The Town Clerk or his appointee shall be the secretary to the board and shall have charge of all accounting procedures to be followed and maintained by the board.
(e) A majority of the members of the board shall constitute a quorum.

5. (a) The board shall, each year, not later than the 15th day of February, submit to the Council for its consideration, approval or amendment its estimates of all moneys required for the year to pay the remuneration of the members and staff of the Police Force and to pay for the accommodation, arms and equipment and other things for the use and maintenance of the force.
(b) The board shall submit to the Council all proposed union or collective agreements for the Council's approval of all financial matters contained therein prior to the execution thereof by the board.
(c) All capital equipment proposed to be purchased by the board, having an indicated purchase price in excess $500.00, shall be submitted to the Council, for purchase consideration by the Council in its usual method of capital purchases.

6. (a) The board shall have jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes and Town By-Laws and Ordinances.
(b) The board shall further have jurisdiction over all matters relating to the enforcement of the provincial statutes having local effect and Town By-Laws and Ordinances, but the Council shall have the right to request the enforcement of such statutes or By-Laws as may be required for the proper administration thereof within the town.
(c) Notwithstanding the foregoing, the function of the board on behalf of the Council shall primarily relate to the administrative direction, organization and policy required to maintain an efficient and adequate police force.

7. (a) The officers, assistants and civilian employees of the police force, other than the chief and deputy chief shall be appointed, promoted, suspended, dismissed or reinstated by the board upon the recommendation of the chief.
(b) The Chief of Police and Deputy Chief of Police shall be appointed by the Council and following a year's period of probation from the date of appointment, may not be suspended, dismissed or otherwise disciplined except with cause, and in such event, they shall have the right to appeal, within fifteen days of such disciplinary action, to the chairman of the Nova Scotia Police Commission, and the Commission shall conduct a hearing therein and may confirm, overrule or modify such action and its decision therein shall be final.
(c) The Chief of Police or his deputy shall be in charge of the management, direction and control of the day to day operation of the police force, including the enforcement of law and the maintenance of discipline within the force.

(d) The Chief of Police or his deputy shall give all necessary orders, directions and instructions to the police force and no board member, except when communicating a decision of the board, shall issue any order, direction or instruction to any member of the police force relative to his duties as a member of the force.

8. The board shall not engage or enter into an employment contract with any person, corporation, partnership or agency whereby municipal police officers or services shall be provided.

9. (a) Any complaint respecting a member of the police force shall be considered by the board only if it is made in writing and signed by the complainant.
(b) Upon receipt by the board of any complaint in writing it shall be forwarded to the Chief of Police for investigation and report, unless the Chief of Police is the subject of the complaint, in which case it shall be dealt with by the board.
(c) The Chief of Police, or in the case of a complaint against the Chief of Police, the board, may investigate the conduct of any member of the police force, either of its motion or in connection with a complaint, and the person against whom the complaint is made shall be entitled to be represented by counsel upon being informed of such complaint and during any investigation and hearing in respect of such complaint.
(d) The procedures used in dealing with complaints, internal discipline and investigations shall be in accordance with those set forth in the regulations made under the *Police Act*.

14
Extracts From "Guidelines For Police Governing Authorities" Nova Scotia Police Commission

August, 1982

Nova Scotia Provincial Police

The Act provides for the establishment of a Nova Scotia Police. However, the Act goes on in Section 12 to provide for the provincial policing responsibilities to be undertaken by the Royal Canadian Mounted Police under contract with the Province. For the foreseeable future this will be the method used to provide provincial police services for Nova Scotia.

Municipal Police Forces

Section 13 of the *Police Act* establishes that every municipality is responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force.

The Act further stipulates that this responsibility can be discharged in any one of three ways: firstly, by establishing its own municipal police force; secondly, by entering into an agreement or contract with the Government of Canada, the Province or another municipality, *e.g.* an RCMP contract; and thirdly, by the Province providing and maintaining police services under the provincial contract with the RCMP.

The Act requires the council of a municipality which has its own municipal force to appoint a chief of police. The Act also authorizes the municipality to establish by by-law the authority who has the responsibility of appointing, promoting, and dismissing all other employees of the police department. This can be the council, the board of police commissioners, or the chief of police, or any combination of two or all of them as specified in the by-law.

Municipal Boards of Police Commissioners

The Act provides that the municipal boards of police commissioners are the police governing authorities for their municipalities.

The Act requires that every municipality which has established a municipal police force and which has a population of 1500 persons or more shall establish a municipal board of police commissioners.

For municipalities that have their own police forces and a population of less than 1500 persons, the Act stipulates that the municipality has a choice. It can either establish its own board or it can govern its police force directly from council or through a committee of council.

The Act provides that every board of police commissioners shall have on it a person appointed by the Attorney General. However,

beyond this the size and composition of the board is left to a decision of council to establish through a by-law. The board can have on it as members all of council, citizens at large and as many members of council down to a minimum of two as the council may decide.

Experience has shown that small boards are better able to take the time to establish a close working relationship with chiefs of police and their senior officers. This is important for the effectiveness of the force in meeting community aspirations and needs for police services and in establishing modern management methods.

Some of the most effective boards in Nova Scotia have three to five members with the ideal probably being two members of council, two citizens at large appointed by council, and the appointee of the Attorney General.

Meetings of the board should always be open to the public, except that matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private meetings if the board so decides.

In general, the role of the board is to set policy for the operations of a police force and to ensure efficient management of the department.

The day-to-day operations of the police department must remain with the chief of police. This principle should be clearly enunciated in any by-laws under Section 20(1) of the Act. No member of the board, as an individual, is permitted to issue a direction to the chief of police or other member of a police department. The direction must come from the board as a body.

In the creation of boards of police commissioners there is an expectation that they will act as a responsive monitor of police activities and as an initiator of policies which reflect community needs. It is also envisaged that a board of police commissioners should increase the communications of community needs and political priorities to police leadership.

The governing authority is responsible for the governance of the force and should supply directions through rules and regulations passed by by-law. These set out the responsibilities of the chief and other members of the force and as such remove confusion as to the will of the governing authority. In turn, the chief should issue standing orders, a semi-permanent set of rules governing the force entrusted to him. In addition to the above, of course, the governing authority must make *ad hoc* decisions and communicate them to the chief in respect to special situations and the chief must do likewise on a day-to-day basis by issuing routine written orders or by oral directions.

It is important that the chief should not burden the governing authority with decisions lying within his responsibility such as the

discipline of the force which is normally within his province. On the other hand, it is the duty of the chief of police to report regularly to the governing authority as to the state of discipline in the force, the number of and highlight of occurrences handled by the force, the state of training, and other matters which enable the governing authority to make informed decisions on the state of police services in their jurisdiction.

If in doubt as to his authority, the chief of police should consult the governing authority. On the other hand, individual members of the governing authority, unless clearly authorized to do so, should not interfere in the daily operations of the force. However, all lawful orders of the governing authority must be scrupulously obeyed.

All of the above considerations are relevant to the management and control of the police force. The considerations are different, however, in any discussion of the role of the police in law enforcement. The chief of police and other members of the force are sworn servants of the Crown and the superior courts have held on numerous occasions that in enforcing the law, a master/servant relationship between the governing authority and the chief of police and other officers of the force does not exist in this context. The chief of police and his officers are sworn to uphold and enforce the law; if they fail in this duty, they are answerable to the law. Redress may be sought through the courts for such failure.

It therefore follows that the governing authority of a police force must refrain from ordering the chief of police not to proceed with a criminal or quasi-criminal charge or not to enforce a particular statute. There is, however, no reason why the governing authority should not offer advice to the chief of police as to what the governing authority perceives to be enforcement priorities in their particular community. This should produce the kind of enforcement policies earlier referred to as the blend of political and executive philosophy which reflects community needs.

Complaints and Discipline

Sections 22 to 29 of the Act deal with complaints against police officers and also the maintenance of discipline within police forces. These sections of the Act are supplemented by Regulations made under the Act which establish in some detail, procedures which are to be used in internal discipline proceedings and in dealing with complaints against police.

Internal Discipline

The Act establishes that the chief of police has the responsibility for maintaining discipline in his department but, if he chooses to do so, in a large force he can delegate to another officer of the force the duty of hearing charges against other more junior members of the force.

The Regulations elaborate on the provisions of the Act and prescribe a procedure which must be followed by the department in hearing cases of alleged disciplinary defaults.

Disciplinary defaults are breaches of the Code of Discipline set forth in Appendix "A" of the Regulations. This Code of Discipline applies to all sworn members of a municipal police force.

The role of the police governing authority is that of an Appeal Body (Sections 35 - 38 of the Regulations). Section 39 of the Regulations should be disregarded as it has been ruled *ultra vires* by the Supreme Court of Nova Scotia.

Under Section 6 of the Regulations, the chairman of the board has responsibilities to hear disciplinary charges when the chief of police is disqualified because of the circumstances outlined in Section 5 of the Regulations.

The board and its chairman have responsibilities when the disciplinary action is against the chief of police or deputy chief of police. The procedure in this instance is outlined in Section 50 of the Regulations.

Complaints Against Police

The procedure for handling of complaints against police is outlined in Sections 22, 26 and 27 of the Act and is elaborated upon in Part III of the Regulations (Sections 51 to 62).

The procedure establishes that whomever received the citizen's complaint in the first instance shall forthwith pass it to the chief of police for action. It is the responsibility of the chief of police to attempt to have the complaint resolved informally. If the complaint is not resolved informally or if it is of such a serious nature not to be amenable to informal resolution, then it is the responsibility of the chief of police to have the complaint thoroughly investigated and, on the basis of the investigation, to decide on an appropriate action. The action is required to be one of the following alternatives: to take disciplinary action against the police officer(s) involved, or to advise member(s) as to future conduct, or to take no further action against the member(s). It is also his responsibility to inform the member(s) involved and the complainant of his decision.

If the member(s) of the police force wish to appeal the decision of the chief of police, then this can be done as outlined in the procedure set forth in the Regulations.

However, the *Police Act* makes no provision for a complainant to appeal the decision of the chief of police and, therefore, the procedure for the appeal of complaints set forth in the Regulations is, until the Regulations are amended, not available to a complainant.

If a board or council is of the opinion that a complainant has a legitimate cause to appeal the decision of the chief of police on his complaint, then the board or council may request the Nova Scotia Police Commission, in accordance with Section 9(2) of the Act to investigate, inquire into and report upon the conduct of or performance of duties by any chief of police or other member of a police force.

Alternatively, if the Attorney General becomes apprised of the complaint, he may order the Commission to inquire into and report to him on the matter.

15
Data Collection

The three main data collection instruments we used for the project are shown in the following pages (Appendices 15.2, 15.4, and 15.5). The first is a mailback instrument we used for all 26 Chiefs of municipal police departments (MPDs). The second instrument is a list of questions which were asked of ten chiefs of municipal police departments, 12 commanding officers for RCMP detachments, four RCMP Subdivision Commanders or Section NCOs, and the Chief Superintendent for 'H' Division.[1] These 30 units were selected to provide a representative cross-section of the province in terms of size of force, location, presence/absence of specialized investigative personnel, the presence of racial minorities in the area and, in the case of the RCMP, rural and municipal detachments. The third instrument was used to gather information on the estimated 686 RCMP officers and 723 officers in MPDs.

The mailback instrument was designed to provide information on the major MPD policies and procedures which are relevant to the project. The questions asked are straightforward and descriptive. We did not conduct parallel interviews with RCMP detachments because of the standardized nature of their operations and the access we had to key documents and interviews. The in-depth interviews, as indicated by the questions, were intended to flesh out some of the questions in the mailback document, to pursue issues of local relevance, and topics which were too sensitive to expect reasonable answers from written questionnaires. The in-depth interview gave us the flexibility necessary to pursue interesting questions as they arose. The information on individual officers which we collected with the third instrument permitted us to do comparisons between and among MPD and RCMP units and individuals on education, training, work histories, and background social characteristics. This research plan may be schematized as in the Table on this page.

We would like to note that we did encounter considerable legal delays (between six weeks and two months) in carrying out our fieldwork with the RCMP.[2] Although we eventually did receive all the information we

1. It was agreed with the RCMP that questions would be asked at the appropriate level of authority. Thus, for example, questions on policies and procedures were answered from interviews with the Chief Superintendent or from manuals, while questions on local conditions (relations with MPDs, visible minorities) were directed to Detachment Commanding Officers.

2. Given the initial effort we made to explain our project and to obtain approval for its conduct (which we did receive), the subsequent legal re-examination of our plans and questions were particularly troublesome.

Research Plan

		MPDs	RCMP
Detachments and Departments	Policy and Procedures	26 Mailback Questionnaries	Inspections of RCMP Administrative and Operation Manuals/ Discussions with RCMP Officers of General Policies and Procedures
	Qualitative Information/ Local Conditions/ Sensitive Questions	10 In-depth Interviews with Police Chiefs	17 In-depth Interviews with Commanding Officers of Selected Detachments, Subdivision Commanders, and the Chief Superintendent of 'H' Division
		10 In-depth Interviews with Chairs of Boards of Police Commissioners	
Individual Police Officers	Education/Training/ Work History/ Background Information	658 Information Records	150 Information Records

believed necessary for this report, save for the returns on the Officer Information Sheets, the interruptions did not make our task of meeting project deadlines any easier. Neither did the interruptions permit us to consider other avenues of inquiry which might have naturally flowed from this initial work.

We would like to thank the following individuals for providing information for this study:

Atlantic Police Academy	• C.L. Campbell, Director • Robert Kempton, In-Service Coordinator
Canadian Police College	• Superintendent S.H. Shultz, Director
Canadian Union of Public Employees	• Jim Crosby, National Representative
Centre of Criminology University of Toronto	• Professor Joseph Fletcher
Dartmouth Police Department	• Chief Donald Trider • Deputy Chief Keith Cole
Halifax Police Department	• Chief Blair Jackson • Superintendent David P. McKinnon
Nova Scotia Police Commission	• Murray Ritch, Acting Chairman • George Smith, Director, Police Research and Statistics • J. Edward McNeill, Director, Inspector of Security Services • Allan Swim, Director, Personnel Development
Police Association of Nova Scotia	• Joe Ross, Executive Director • David Fisher, Solicitor • Ed Hiscock, Staff Relations Officer
RCMP 'H' Division	• Chief Superintendent Campbell J. Reid • Inspector Harry Murphy • Staff Sergeant Tom Lowe

RCMP/Ottawa	• Chief Superintendent Donald A. Docker
Secretary of State	• Wayne Tymm, Senior Evaluation Analyst Program Evaluation
Solicitor General	• Chris Murphy, Senior Researcher Research Division
Statistics Canada	• Sange de Silva, Chief Law Enforcement Program Canadian Centre for Justice Statistics • John Turner, Senior Analyst Law Enforcement Program Canadian Centre for Justice Statistics • Sharon Longchamps Information Officer Law Enforcement Program Canadian Centre for Justice Statistics
Sydney City Police Department	• Chief Richard Walsh • Inspector Ambrose MacDonald • Inspector Art Woodburn • Inspector Roy Young
Sydney Mines Town Police Department	• Chief Harry Vickers

None of the individuals or organizations named above have any responsibility for the contents of this report. Don Clairmont served as a general advisor to this project. Lynda Clairmont assisted in collecting data from Chiefs in Municipal Police Departments and Chairs of Boards of Police Commissioners.

15.1
Introductory Letter (sample)

[This is a sample letter sent to municipal Chiefs of Police from the researchers, asking for their cooperation in obtaining data for the study.]

Dear Chief:

As Chief Justice Hickman has already informed you, the Royal Commission is conducting a background study of policing in Nova Scotia. We are particularly interested in the selection and training of police officers, and the procedures which are used in the investigation of serious crimes. We wish to study the types of co-operation among municipal police forces and the RCMP on investigations, and the ways in which basic policies contribute to positive relationships with Natives, Blacks and other visible minorities.

You will find a mail-back questionnaire enclosed which we would like you to fill out and send back to us. In addition, you will find some brief biographical forms which we would like to have filled out for each sworn member of your Department. We would also like to have these forms returned at your earliest convenience. Finally, it may be possible that we will wish to interview you personally about some of the matters touched upon in the questionnaire or biographical forms. We trust you will assist us in this phase of the project as well. While we are sure the information we are seeking is quite straightforward, our staff does appreciate the need to respect confidentiality in certain circumstances. We will exercise appropriate discretion with respect to the use of material gathered during the study. Should you require any further information with respect to this study, please do not hesitate to get in touch with me. I thank you in advance for any assistance or cooperation you may be able to extend to us with respect to this important work.

Yours very truly,
Richard Apostle
Police Study Project Director

15.2
Mailback Questionnaire

1987 Nova Scotia Police Survey

Please answer the following questions as they apply to you at the end of 1987. Please feel free to append information where sufficient space is not provided.

1. Name of force .....

2. Briefly describe the nature and extent of your contacts with the Nova Scotia Police Commission over the last three years.

.....

.....

3. What entry-level qualifications for sworn members (education and/or training) does your Department have?

.....

.....

4. a) Have there been any changes in these qualifications over the last twenty years?

..... 1. No Please go to Q.5

..... 2. Yes Please Answer Q.4(b)

b) Please give a brief description of these changes:

.....

.....

5. What policies, if any, does your Department have concerning the recruitment of women or members of the visible minority groups (Blacks, Native Indians)?

.....

.....

6. Please describe briefly any in-house training facilities or programs you have.

.....

.....

7. Which training facilities (*e.g.* Atlantic Police Academy, Canadian Police College, Other) or training programs, has your Department used in the past three years?

	Courses Taken	# Officers Involved
a) Atlantic Police Academy	.....	.....
b) Canadian Police College	.....	.....
c) Other. Please Specify:	.....	.....

.....

.....

.....

8. What are the usual costs of these training facilities or programs for you?

9. Do you have any funding or cost-sharing arrangements to help you pay for these training facilities or programs?

10. How are people selected for training courses?

11. Please give a brief description of the initial on-the-job training which new officers get when they join the Department.

12. Which courses in criminal investigation, if any, have members of your Department taken in the last five years? Please indicate if more than one person has taken a given course.

13. Which courses, if any, have members of your Department taken in the last five years which deal with relations with minority groups (Blacks, Native Indians)? Please indicate if more than one person has taken a given course.

14. Please describe briefly any standard promotions routine your Department has (If you have a written policy on this, please attach it instead).

15. Do you have any special policies which apply to promotions to senior levels (Superintendents, Deputy Chief, Chief)?

16. Please describe any policies or procedures you have regarding the use of RCMP assistance in the investigative work (major crimes, identification, canine, special equipment, other).

17. Are there any financial costs involved if you do use RCMP assistance in investigative work? If yes, please describe briefly.

18. Please describe briefly your Department's policies and procedures for handling public complaints regarding police behaviour.

.....

.....

19. What were your expenditures for 1987?

a) Salaries, wages and benefits $ .....
b) Training expenses $ .....
c) Other operating expenditures $ .....
d) Purchasing and leasing of vehicles $ .....

20. How adequate are your manpower resources for:

a) General policing responsibilities.

.....

.....

b) Investigation of major crimes.

.....

.....

We would also like to request the following material:

	Enclosed	Not Enclosed	If Not Enclosed Please give reason (*e.g.* not applicable N/A)
1. Organization /authority chart.	.....	.....	.....
2. Your latest annual report.	.....	.....	.....
3. Any written recruitment statement.	.....	.....	.....
4. Any written training statement.	.....	.....	.....
5. Any written promotions statement.	.....	.....	.....
6. Any written statements on how to conduct investigations.	.....	.....	.....

15.3
List of the Sections of the RCMP Administration and Operational Manuals Consulted

Administration Manual

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Educational Institutions
Recognized by the RCMP App. II-11-13

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To Force II.1.E.

Appointment
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Minimum Education App. II-1-2
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App. II-1-15
Promotion II.1.M.
Promotion to and
within officer rank, senior
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level designation II.1.O.
App. II-1-12 to13
Qualifications II.1.D.

Complaints and Discipline
Appeals II.13.M.
App. II-13-6
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Courses
Post Secondary Education
Requirements App. II-11-2

Crime Readers
Responsibilities App. I-3-3(2.2.)

Criminal Investigation
Duties in the Force App. II-10-5
Sec. 7

Forms and their use
EMP
"Record of Employment" II.4.J.9.b.3.
1005 "Performance Evaluation
Review and Report" II.17.H.
1228 "Performance Evaluation
Profile (PEP)" II.17.F.

Language
Second Language Evaluation
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Training II.11.X.
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III.9.E.4.a.
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-on race, ethnic background or
disability III.9.G.
-audio-visual
communications III.9.G.1.c.
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Basic II.11.F.
-recruit training syllabus App. II-11-4
Basic Training Assessment -
-Guide for Completing
Form 2034 App. II-11-10
Calendar of
Training Courses App. II-11-6
-officers App. II-11-8
Centrally administered II.11.H.
Course coordination II.11.R.
Course evaluation II.11.T.
Course training standards II.11.Q.
Directorate II.11.H.
Division II.11.H.
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15.3 continued

Operational Manual

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Police service dogs
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Native Policing
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-notice to parent App. II-3-41
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-statement of young person App. II-3-43, page 2
-waiver of rights App. II-3-43, page 1

15.4
In-depth Interview Questionnaire
Police Chief/Detachment

1. Major local needs (improvements) and priorities. Adequacy of manpower resources and equipment.
2. Investigative responsibilities, capacities of force:
Particular officers responsible;
Role of constables in initiating investigations;
Lines of authority, reporting on investigating work;
Informal guidelines on interrogation, interviewing of suspects (special attention to minors, people with mental health problems);
Measures of efficiency in investigative work.
3. Relations with other local MPDs or RCMP detachments.
4. Relationship with RCMP/MPD - policies, procedures with respect to assistance from RCMP (giving assistance to MPDs) in investigative work, other matters.
Get specific examples/Probe for specific nature of relationships, any problems.
5. Relationships with local Crown prosecutors - laying of charges, disclosure of information to Crown, defence attorneys.
6. (MPDs only) Local Police Commission: Chief - Board relations, setting of agenda, control relations, processing of complaints.
7. What general changes have there been in educational and training requirements for new officers over the past 20 years?
8. Factors which affect promotion:
Training
Education
Training Prerequisites
Seniority
Relations with supervisors.
9. Which visible minority groups (Blacks, Native Indians) are present in the local area? How are your relations with them?
10. Factors which militate against the recruitment, selection, or promotion of women or visible minorities. Probe ideas for improvements.
11. Complaints - procedure for handling complaints directed at police personnel
- recent specific examples of cases, dispositions.
12. Marshall case inquiry:
Knowledge of;
Attitudes towards;
Probe for notions of dealing with visible minorities, the poor.

15.5
Officer Information Sheet

Officer information sheet/for every sworn member of the Department.

Please answer the following questions as they apply to the individual at the end of 1987.

Department or detachment:

.....

Current rank:

.....

Full time/part time status:

.....

Years of education in the school system:

.....

Names of any certificates, diplomas, or degrees held before joining the Force (*e.g.* from Atlantic Police Academy, Saint Mary's University, other):

.....

.....

Previous police experience:

.....

Year joined the Force:

.....

First rank on joining the Force:

.....

Major work duties or responsibilities with the Force up to the current position (*e.g.* Traffic, one year, Dispatch, seven months). Please give these in time order, starting with the first position on the force.

Major work duty or responsibility:	Time spent in that position:
.....	.....
.....	.....
.....	.....

Additional courses taken which relate to police work (*e.g.* courses at the Atlantic Police Academy, Canadian Police College, other police departments, RCMP units and the like). Please give last five courses in time order, starting with the last course taken.

Course Topic:	Sponsor/Place:	Year Taken:
.....	.....	.....
.....	.....	.....
.....	.....	.....

Overall number of courses taken:

.....

Additional education not directly related to police work which has been taken after joining the Force:

.....

.....

Where they lived most of the time up to the age 16. Please give place name of city, town, rural area, and province.

.....

Age: .....

Sex: .....

Race (*e.g.* White, Black, Native Indian):

.....

Base Salary: .....

16
Community-Based Policing and Investigations[1]

1. This appendix is taken from work Don Clairmont is doing on his own on the topic of community-based policing.

2. Indeed, part of the rationale for the change is that better crime-fighting may result from closer links with the community and a more effective utilization of patrol personnel in the investigative process.

3. Under the older "geist", police officers employed in the latter function were rather pejoratively referred to as "the apple-dumpling gang".

4. There were exceptions and to some extent an aggressive patrolman could sometimes do more if his NCOs encouraged it.

In the period prior to 1986, the Halifax Police Department was run in much the same style as the Dartmouth Police Department and other conventionally organized police departments in Canada and the United States. A key question for this inquiry is how the change of the Halifax Department to a new policing principle and a quite different organizational structure has affected its investigative capacity. Essentially, what has happened in the Halifax Department is that with the institution of community-based policing and zone policing, there has been an emphasis at the cultural or "geist" level on problem-solving and liaison with community. While not explicitly advanced in contradistinction to crime-solving and aloof professionalism,[2] the effect has clearly been to enhance the value and priority of other police activity, some of which is peripheral to crime-solving and crime-fighting and some of which is more contextual and preventative. Certainly, it entails an improved stature for patrol or watch duty and for activities such as community relations.[3] Correspondingly, there may be a proportionate decline in the comparative stature of Criminal Investigations Division (CID).

Structurally, the new policing has meant that the previously rather strong divide between investigative and patrol roles has been sharply eroded. In the old system, the patrol constable's job essentially was to respond, report, and clear, leaving the investigative work to the CID specialists. Any investigative work was largely[4] concerned with minor and usually low solvability cases subsequently reassigned to the watches by CID. In the old system, there was not much contact between CID and patrol. The distant relationship made the patrol policemen reticent to exchange information with the detectives. As one patrolman observed, "it was a division that just happened over the years". Now the watch constable is no longer expected to limit his/her activities to response and enforcement. Rather, they are expected to take on both "proactive" duties of the sort previously performed by specialists in community relations and crime prevention, and especially investigative duties of the sort which had taken the lion's share of the CID officer's time in the old system. Thus, a cornerstone of the new system is the so-called "constable-generalist" role.

A second very fundamental structural innovation has been the organization of the entire watch activity into three zones, each featuring a zone commander (staff sergeant), crime prevention/community liaison coordinator (constable) and four squads, one for each watch cycle. While squad size varies with the zone, each squad consists of three basic roles - the sergeant who is the formal leader and supervisor, the corporal, who bears especial responsibility for the investigative work, and the constable-generalist. Accompanying the zone structure is the principle of "zone

integrity", which implies that as much as possible, police activity in the zone should be carried on by the designated zone officers under the supervision of their zone commander.

From the perspective of investigative work, it is important to note that the above changes have been accompanied by a policy distinction between major and minor crimes. The downsized CID has responsibility for major crimes, while the zone investigative officers have responsibility for minor crimes. In practice, of course, the division is not exact. Similarly, the principle of "zone integrity" is not etched in granite when a major crime situation exists. As the new style of community-based zone policing continues on, adjustments and new departmental directives and sometimes simple reminders and clarifications get put into place. For example, it is now clear that when a major crime occurs anywhere in the city, all General Investigations Section (GIS) corporals and their constable wingers can expect to become involved, especially in the evening and on the weekends. Similarly, the procedure has been established whereby if a major crime such as a murder or serious assault occurs in the "off hours", the CID on-call officer is phoned, notified about the case, and asked whether he will be coming out for it.

There has not been much study of the investigative implications of community-based zone policing in Canada. Over the past decade, studies of the detective function have tended to emphasize that the quality of investigations largely depends on how good the preliminary police work is. From this perspective, one might expect investigative quality to improve with community-based zone policing since it encourages more attention to preliminaries by the uniform officer and since the watch constable NCO becomes more experienced in the investigative process over time. Following this line of reasoning, community-based zone policing in Halifax means that, apart from any downsizing of CID, there are now in theory 140 more investigators in the department (Clairmont, 1987). Certainly, the work carried out thus far points to a fairly pervasive agreement among Halifax officers that the "preliminaries" are more thorough and of better quality than before.

Of course, there are other perspectives on investigative quality and success that are less favorable concerning the likely implications of community-based zone policing. Several ex-CID officers have indicated that the quality of investigations - certainly from a successful conclusion angle - has much to do with detectives having the right characteristics, especially "street smarts", an ability to cultivate informants and lots of initiative. Insofar as community-based zone policing involves officers in a host of diverse functions, and in relationships with "good citizens", they may lack the time and opportunity to cultivate informants and do the kind of soaking-up of

investigative background that quality detective work requires. From this perspective, CID work is a kind of apprenticeship, requiring the right kind of person working in a specialized role over a significant period of time. Many officers appear to accept this view and, while they may acknowledge possible improvements in "preliminaries" because of community-based policing, they also contend that follow-up and assigned investigative work will be poorer and less efficiently carried out in the new system; thus, where the cultivation of informants and the other characteristics discussed above can be expected to pay off. Further, they contend that if the community-based zone system is put into place at the cost of a downsizing of CID, then the department's overall investigative quality will decline.

Clearly, the issue of community-based zone policing's implications for investigations depends significantly on what stage in the investigative process one emphasizes and how much one emphasizes it relative to the other stages. One interesting issue here concerns the extent to which, by dint of establishing an officer's identity with a zone and keeping him/her there for a significant period of time (coupled with the development of community or neighborhood ties), one might make up for any loss in the CID informant system. Advocates of community-based zone policing are often optimistic, whereas the skeptics hold that little can be expected unless there is fuller immersion in the criminal ambience.

Another slightly more practical perspective which questions the investigative potential of community-based zone policing focusses upon the problems associated with patrol investigation, namely decentralization, shift work hours and collaboration among squads and zones and between patrol and CID. The argument here is that these problems, while theoretically solvable, demand more cooperation and organizational and managerial sophistication than one could ever reasonably expect. In other words the argument is that while there was often a problem of lack of communication and cooperation between CID and patrol in the old system, the same type of problems are now to be found elsewhere in the organization.

Prepared by Don Clairmont
1988

17
The Charter Project

Joseph Fletcher, who has kindly provided us with data runs, describes the study as follows (1987:5-6):

The field work was conducted by the Institute of Social Research at York University in Toronto. The survey was administered over the telephone to two samples of respondents using computer-assisted interviewing techniques. The first sample was of the general population weighted by province in such a way to permit regional comparisons. For this sample, respondents were identified through a modified Random Digit Dialing technique using blocks of valid household telephone numbers stratified by province. A further enumeration and random selection process was used to select the respondent from among members of the household. Interviews were conducted in French or English, depending upon the preference of the respondent. Fewer than one percent of the respondents were unable to complete the survey due to language or health problems. The overall response rate was 62.5 percent, the norm for telephone surveys conducted by an academic survey unit (cf. Shanks, Sanchez and Morton, 1983). The resulting sample (N=2084) closely matches basic demographic breakdowns available from Statistics Canada on the 1986 Census population.

The second sample was of decision-makers in the civil liberties area. Individuals were selected to represent the legislative, executive and judicial branches of government. Members of federal and provincial Parliaments elected between 1979 and 1986 listed in the *Canadian Parliamentary Guide* formed the legislative population sampled. Selection was hierarchical, fixed across parties and random within them.

The executive component of the decision-maker sample was itself composed of two parts. The first consisted of officials from the federal Ministries of the Solicitor General and Justice as well as their provincial equivalents. Respondents were systematically selected from lists drawn up using the *Directory of Justice Personnel*, the *Canadian Law List*, 1986 and the *Canada Legal Directory* from the same year. The second part of the executive component of the decision maker sample consisted of police and Crown attorneys. The police were drawn one-third from the RCMP, one-third for the two provincial forces, the Ontario Provincial Police and Quebec Police Force, and a final one-third from the officers in four major cities across Canada. Once again selection was systematic. Crown attorneys from across the country were identified using the *Canadian Law List*, 1986 and a sample drawn.

17.1 B.4. Experimental Question - Native Peoples

RN1 = 0/Charter Natives B4. Version 1.

Canada's constitution recognizes the unique rights of Canada's Native peoples. Should Native peoples be treated just like any other Canadian, with no special rights, or should their unique rights be preserved?

	Treat Like Others	Don't Know/ Refuse	Preserve Unique	
Elite Sample - Total	36.2%	2.9	60.8	(646)
- Legislative	23.3%	2.3	74.4	(262)
- Legal	35.5%	5.2	59.3	(172)
- Executive	34.5%	2.7	62.8	(113)
- Police	73.7%	1.0	25.3	(99) Sign=.001
Citizen Sample - Total	47.2%	3.9	48.9	(1044)

RN = 1/No Mention Version 2.

Should Native peoples be treated just like any other Canadian, with no special rights, or should the unique rights of Canada's Native peoples be preserved?

	Treat Like Others	Don't Know Refuse	Preserve Unique	
Elite Sample - Total	45.0%	5.3	52.3	(702)
- Legislative	33.5%	2.0	64.5	(251)
- Legal	42.8%	5.0	52.2	(180)
- Executive	49.0%	2.7	48.3	(147)
- Police	66.9%	0.8	32.3	(124) Sign=.001
Citizen Sample - Total	52.0%	2.9	45.1	(1039) Sign=.07 MD = 1

17.2 C.5. Special Effort Protect Ethnic and Racial Minorities

C5. How important is it to make a special effort to protect ethnic and racial minorities?

	Very Important	Somewhat Important	Not Important	Don't Know/ Refused	
Elite Sample - Total	50.4%	38.9	9.1	1.6	(1348)
- Legislative	62.6%	28.7	7.2	1.6	(514)
- Legal	8.6%	40.3	9.1	2.0	(352)
- Executive	48.8%	41.2	8.1	1.9	(260)
- Police	27.4%	57.8	14.3	0.4	(223)
					Sign=.001 MD = 0
Citizen Sample - Total	41.6%	44.0	12.1	2.3	(2082) MD = 2

17.3 Q.G.19. Universities Have Special Programs for Native Canadians

QG19. Universities should have special programs and admission standards for Native Canadians:

	Mainly Agree	No Opinion	Mainly Disagree	
Elite Sample - Total	36.3%	4.7	59.1	(924)
- Legislative	45.2%	4.7	50.2	(299)
- Legal	39.9%	4.9	55.1	(243)
- Executive	38.9%	6.6	54.5	(198)
- Police	14.1%	2.2	83.7	(546) Sign=.001 MD = 424
Citizen Sample - Total	24.4%	9.8	65.7	(1224) MD =860

17.4 Q.B.9. Laws Guarantee Equal Rights Minorities

QB9. The laws guaranteeing equal job opportunities for Blacks and other minorities:

	Made Stronger	Neither/ Undecided	Go Too Far	
Elite Sample - Total	25.3%	40.3	34.4	(931)
- Legislative	44.3%	33.9	21.8	(307)
- Legal	17.7%	43.6	38.7	(243)
- Executive	18.7%	53.0	28.3	(198)
- Police	10.9%	32.8	56.3	(320) Sign = .001 MD = 417
Citizen Sample - Total	28.5%	38.6	33.0	(1231) MD = 853

17.5 Q.G.3. Equal Rights to Homosexuals/Jobs, Housing

QG3. For the most part, local ordinances that guarantee equal rights to homosexuals in such matters as jobs and housing:

	Damage Canadian Morals	Neither/ Undecided	Uphold Canadian Ideals	
Elite Sample - Total	16.5%	18.1	65.4	(927)
- Legislative	15.5%	13.2	71.3	(303)
- Legal	12.0%	19.4	68.6	(242)
- Executive	11.6%	21.1	67.3	(199)
- Police	29.5%	21.3	49.2	(183)
				Sign = .001
				MD = 421
Citizen Sample - Total	20.2%	16.7	63.2	(1227)
				MD = 857

17.6 Q.G.12. Some Breeds People Better Than Others

QG12. Just as is true of a fine race horse, some breeds of people are just naturally better than others:

	Mainly Agree	No Opinion	Mainly Disagree	
Elite Sample - Total	12.4%	4.4	83.2	(928)
- Legislative	13.0%	3.0	84.1	(301)
- Legal	9.4%	4.1	86.5	(244)
- Executive	5.5%	6.0	88.4	(199)
- Police	22.8%	5.4	71.7	(184)
				Sign = .001
				MD = 420
Citizen Sample - Total	23.5%	3.9	72.5	(1226)
				MD = 858

17.7 Q.G.14. All Races are Certainly Not Equal

QG14. When it comes to the things that count most, all races are certainly not equal:

	Mainly Agree	No Opinion	Mainly Disagree	
Elite Sample - Total	16.5%	8.6	75.0	(923)
- Legislative	15.1%	5.7	79.3	(299)
- Legal	14.5%	8.7	76.9	(242)
- Executive	8.1%	9.6	82.3	(198)
- Police	30.4%	12.0	57.6	(184)
				Sign = .001
				MD = 425
Citizen Sample - Total	30.1%	13.2	56.7	(1222)
				MD = 862

17.8 D.9. Charged - Testify in Court or Keep Silent

D9. When someone is charged with a criminal offence in Canada, is that person required to testify in court or does that person have a right to remain silent?

	Must Testify	Don't Know/ Refused	Can Stay Silent	
Elite Sample - Total	15.4%	4.5	80.2	(1348)
- Legislative	29.0%	10.5	60.4	(513)
- Legal	5.7%	0.9	93.5	(352)
- Executive	2.3%	0.4	97.3	(260)
- Police	14.3%	0.9	84.8	(223)
				Sign = .001
				MD = 0
Citizen Sample - Total	51.4%	7.8	40.8	(2082)
				MD = 2

17.9 Q.C.7. Customs Officers Conduct Body Searches

QC7. Should Customs officers be able to conduct body searches without a warrant if they suspect someone is smuggling drugs into the country?

	Yes	Undecided	No	
Elite Sample - Total	64.2%	8.1	27.7	(930)
- Legislative	57.8%	10.6	31.7	(303)
- Legal	53.1%	8.2	38.8	(245)
- Executive	66.2%	8.6	25.3	(198)
- Police	87.5%	3.3	9.2	(184)
				Sign = .001
				MD = 418
Citizen Sample - Total	58.8%	9.4	31.8	(1232)
				MD = 852

17.10 Q.E.6. Police Stops Car for Traffic Violation

QE6. If a police officer stops a car for a traffic violation, he should:

	Search Car	Neither/ Undecided	Violation Only	
Elite Sample - Total	68.3%	7.5	24.2	(925)
- Legislative	61.3%	7.9	30.8	(302)
- Legal	53.1%	11.5	35.4	(243)
- Executive	72.7%	7.6	19.7	(198)
- Police	95.6%	1.1	3.3	(182)
				Sign = .001
				MD = 423
Citizen Sample - Total	63.7%	8.3	28.0	(1228)
				MD = 856

17.11 Q.E.4. A Person Suspected of a Serious Crime

QE4. A person suspected of a serious crime:

	Answer Questions from Police	Neither/ Undecided	Remain Silent	
Elite Sample - Total	31.0%	6.8	62.2	(927)
- Legislative	37.0%	9.6	53.5	(303)
- Legal	9.1%	3.3	87.7	(243)
- Executive	21.1%	8.0	70.9	(199)
- Police	61.0%	5.5	33.5	(182)
				Sign = .001
				MD = 421
Citizen Sample - Total	56.5%	11.7	31.8	(1225)
				MD = 859

18
The Distribution of Blacks and Native Persons in Nova Scotia

The several maps included herein locate Blacks and Natives residing in Nova Scotia. Map A deals with Nova Scotian Blacks and relies on data gathered between 1977 and 1982. The actual figures used are for the year 1980. Map B locates the status Indian population in the province for the year 1981. Non-status Indians and Metis are referred to in Map C. They are similar to Blacks in that precise population numbers are unavailable. The total minority population by county aggregated over Maps A, B and C is given in Map D.

Map A Nova Scotian Blacks, 1980

I. The Black Population

The overall population of Blacks (Afro-Canadians) in Nova Scotia does not appear to have changed profoundly over the past 30 years. The 1961 census recorded a Black population of 11,900. Research carried out in the 1960s by Clairmont and others identifying about 30 Black communities in Nova Scotia suggested that this figure may have underestimated the true population by a few thousand. Two recent research projects, one carried out in 1979-80 by Professor David McKinney Jr. on behalf of the Black United Front (BUF) Nova Scotia, and the other between 1977 and 1981 by the Marginal Work World Program, Dalhousie University, both yield results comparable to the 1961 census figures. Moreover, since both depended on the informant system to identify Black persons, it is likely that some significant underestimation of the Black population occurred. This is especially true in the metropolitan area where the Black population is widely dispersed and in those non-metropolitan

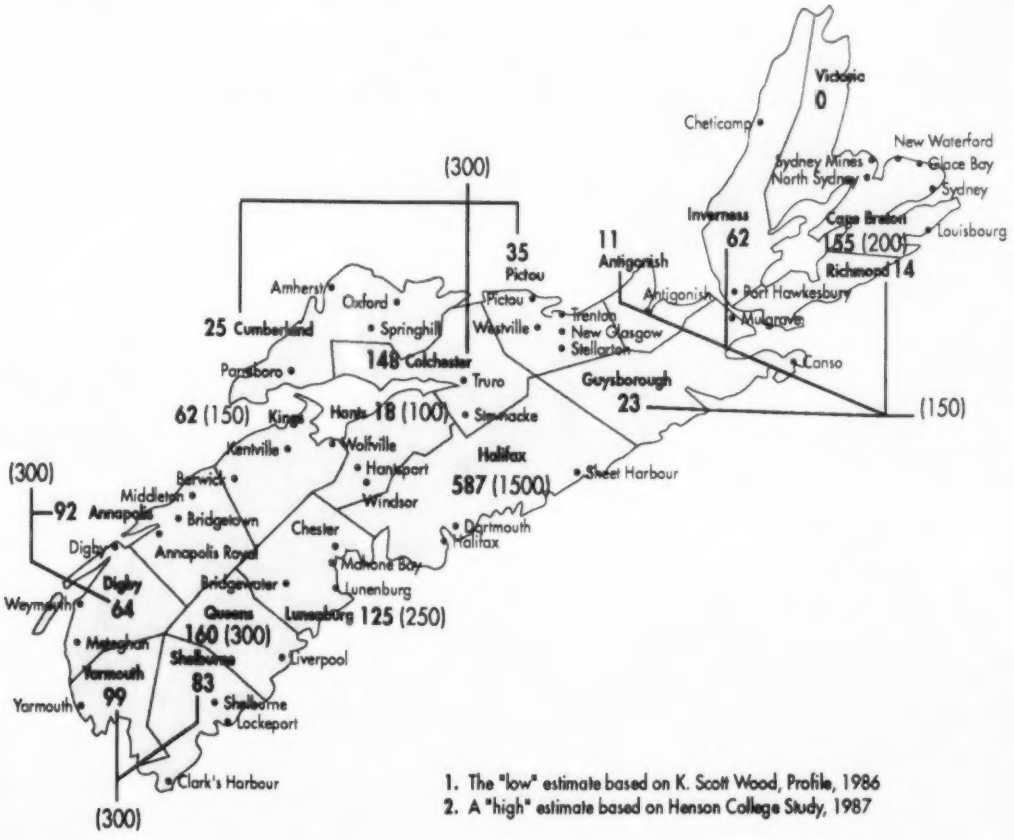
Map B Status Indian Population, 1981[1,2]

1. Registered Indian Population On Reserves, 1981 (Ottawa: Indian and Northern Affairs Canada, 1982)
2. Total On and Off Reserve Status Indian Population (Rounded) by County of Band (Wien, 1987)

areas where the Black population is so small and scattered as to have little organizational visibility.

Map A indicates that in 1980 the Black population was roughly 12,000, over 65 percent of whom resided in Halifax county. The counties with the largest proportion of Blacks were Guysborough (three percent), Halifax (two percent) and Digby (one percent). The county population figures were based on the unpublished McKinney - BUF report's specification of households per county multiplied by four, the overall average Black household size. In counties for which the Marginal Work World Population information could be specified, a check of the population count indicated that the McKinney-BUF household figures were the most complete available. While it is possible, given the underestimation factor noted above and the occurrence of some population growth since 1980, that the Black Nova Scotian population may number as high as 15,000, its county distribution is likely to closely match that depicted in Map A.

Map C Non Status and Metis[1,2]



1. The "low" estimate based on K. Scott Wood, Profile, 1986
2. A "high" estimate based on Henson College Study, 1987

II. Native People

The status Indian population located by county on Map B can be quite precisely indicated since band counts are regularly monitored by government. The unbracketed figures refer to the registered on-reserve status Indian population (see below for the identification of reserves by county) while the bracketed figures include both on-and-off reserve status Indians. Only roughly one-third of the off-reserve population reside in Nova Scotia. The on-reserve population in 1981 totalled 4,439 while the figure for all registered band members was 5,965. Virtually all registered Indians in Nova Scotia are Micmac.

Map D Blacks, Status Indians, Non-Status and Metis Circa 1980

Non-status Indian and Metis population and distribution are imprecisely known in Nova Scotia. Wood (1986) has noted that the Native Council of Nova Scotia reported a total of 4,475 while the 1981 census gave a figure of 1,760. In Map C both a low and a high estimate are provided. The low estimate of 1,763 is based on the work of Wood (1986) and is consistent with census data and other sources cited therein. The high estimate of 3,550, bracketed, is based on the most generous possible interpretation of data obtained in 1987 through a Henson College study of aboriginal off-reserve employment (Henson College, 1987). This latter study used local informants to estimate all off-reserve employable Native persons, mostly adult and out-of-school, residing in the different areas of the province. The bracketed figures were arrived at by taking the base population recorded in the areas and adjusting it to take into account that children and the elderly were excluded and some off-reserve status Indians may have been included.

III. A Note on the 1986 Census

In 1986 Canadians were asked by the Census to mark or specify as many groups as apply for their ethnic origin; additionally, two more write-in spaces were added. As a result for many origins the single response count declined while the incidence of multiple response involving these groups increased markedly. The single response count for Blacks was 7,885 and the multiple count 5,060; thus 12,945 claimed Black ancestry. The single response for Indians and Metis was 5,825 while the multiple count was 8,340 for a combined total of 14,065. It may be noted that in the case of other visible minorities in Nova Scotia the corresponding figures are low: a single count of 4,095 and a multiple count of 1,450 for a total of 5,545 persons. (Statistics Canada, The Daily, December 3, 1987)

Sources Cited

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Profile of the Black Population of Nova Scotia, 1979-1980. Halifax: Dalhousie University, 1987. (Prepared for the Black United Front and the Joint Consultative Committee.)

Registered Indian Population on Reserves 1981. Ottawa: Department of Indian Affairs and Northern Development, 1982.

Statistics Canada. *"The Daily."* December 3, 1987.

Wien, Fred. *Rebuilding the Economic Base of Indian Communities: The Micmac in Nova Scotia*. Halifax: Institute for Research on Public Policy, 1986.

Wood, K. Scott. *A Profile of Non-Status and Metis Indians in Nova Scotia*. Halifax: Henson College, Dalhousie University, 1986.

Indian Reserves in Nova Scotia

Inhabited Reserves	County
Wildcat (Acadia band)	Queen's
Bear River (Bear River band)	Digby
Cambridge (Annapolis band)	Annapolis
Horton (Horton band)	King's
Millbrook (Millbrook band)	Colchester
Shubenacadie (Indian Brook band)	Hants
Merigomish/Pictou Landing (Pictou Landing band)	Pictou
Afton/Pomquet (Afton band)	Antigonish
Whycocomagh (Whycocomagh band)	Inverness
Eskasoni (Eskasoni band)	Cape Breton
Membertou (Membertou band)	Cape Breton
Chapel Island (Chapel Island band)	Richmond
Wagmatcook (Wagmatcook band)	Victoria

Reserve list cited in Fred Wien, *"Rebuilding the Economic Base of Indian Communities,"* p. 2. Halifax: Institute for Research on Public Policy, 1986. (Three sites identified as inhabited - Sheet Harbour, Gold River and New Ross - have no population recorded separately for them.)

Prepared by Don Clairmont
1988

Definitions

"substantiated complaint"
means that, upon assessing available information, it is more likely than not that the allegation is true.

"unsubstantiated complaint"
means there is insufficient information available on which to base a valid determination.

"unfounded complaint"
means that upon assessing available information, it is more likely than not that the allegation is untrue or that the employee/Force acted lawfully or properly.

(The Table appears on the following page.)

Public Complaints: 1986 - 1988

Public Complaints: 1986

Allegations	
Against Member	71
Against Force	12
Total	**83**
Members	
Substantiated	10
Unsubstantiated	22
Unfounded	39
Force	
Substantiated	3
Unsubstantiated	2
Unfounded	7
Types of Complaints (Force)	
Operational Policy	3
Inadequate Police Service	6
Operational Instructions/ Procedures/Regulations	1
Canadian Human Rights Act - Use of Personal Information	1
Other	1
Substantiated Complaints (Force)	
Inadequate Police Service	3
Remedial Actions	
Operational Policy Developed	3
Types of Complaints (Members)	
Improper Attitude - Disrespect	11
Lack of Discretion	6
Other Improper Attitude	4
Neglect of Duty	4
Drinking and Driving	1
Other Driving Infractions	4
Shoplifting/Theft	2
Other Improper Conduct	4
Fail to Assist General Public	3
Inadequate Investigation	6
Inadequate Police Service	3
Lack of Work Knowledge	1
Invasion of Privacy	2
Mishandling of Property	1
Excessive Force -Resulting in Injury	3
Excessive Force -Resulting in Damage	1
Excessive Force - No Injury/Damage/Death	5
Discharge Firearm Resulting in Death/Damage	1
Abuse Authority, Arrest	1
Abuse Authority, Search/Seizure	2
Harassment	1
Threats	1
Other: Methods	2
Vexatious, Frivolous, Trivial, In Bad Faith, Nonsensical	2
Substantiated Complaints (Members)	
Improper Attitude - Disrespect	2
Inadequate Police Service -Fail to Assist Public	1
Inadequate Police Service Inadequate Investigation	1
Improper Police Method -Discharge Firearm (Damage)	1
Improper Police Method -Abuse Authority Arrest	1
Improper Police Method -Excessive Force (one file)	2
Improper Conduct	1
Remedial Action	
Members Counselled	6
Member Disciplined - Cautioned	1
Member Disciplined - Warning	3

Public Complaints: 1987

Allegations	
Against Member	102
Against Force	12
Total	**114**
Members	
Substantiated	18
Unsubstantiated	35
Unfounded	49
Force	
Substantiated	0
Unsubstantiated	2
Unfounded	10
Types of Complaints (Force)	
Inadequate Police Service	5
Operational Instructions/ Procedures/Regulations	1
Other Force Complaints	2
Nonsensical	4
Types of Complaints (Members)	
Drinking and Driving	1
Other Improper Attitude	10
Excessive Force - Resulting in Injury	5
Excessive Force - Resulting in Damage	1
Excessive Force - No Injury/Damage/Death	5
Intimidation	2
Harassment	4
Threats	3
Other Improper Methods	4
Improper Attitude - Disrespect	11
Improper Attitude - Discretion	15
Other Improper Attitude	6
Neglect of Duty	1
Other Driving Infractions - Inadequate Service	3
Fail to Assist Public - Inadequate Investigation	5
Poor Advice/Explanation	4
Lack of Knowledge	2
Improper Interrogation/Interview	1
Mishandling of Property	2
Abuse of Authority - Arrest	5
Abuse of Authority - Search and Seizure	4
Vexatious, Frivolous, Trivial, In Bad Faith, Nonsensical	3
Substantiated Complaints (Members)	5
Other Improper Conduct	6
Improper Attitude - Disrespect	2
Inadequate Police Service - Fail to Assist Public	1
Improper Attitude - Lack Discretion	1
Improper Conduct - Driving Infraction	1
Improper Methods	3
Vexations, Frivolous, Trivial	1
Remedial Action	
Members Counselled	11
Member Disciplined - Warning	3
Member Disciplined - Hearings	2

Public Complaints: 1988

Allegations	
Against Member	35
Against Force	3
Total	**38**
Members	
Substantiated	5
Unsubstantiated	3
Unfounded	27
Force	
Substantiated	0
Unsubstantiated	3
Unfounded	0
Types of Complaints (Force)	
Operational Instructions/ Procedures/Regulations	1
No Action	2
Types of Complaints (Members)	
Non-Payment of Debt	1
Other Improper Conduct	1
Excess Force - Injury/Damage	2
Excess Force - Death/Damage	1
Excess Force - No Injury/Death/Damage	3
Intimidation	1
Harassment	2
Other Methods	1
Operational Policy	1
Operational Instructions/ Procedures/Regulations	2
Uncivil	4
Lack of Discretion	5
Neglect of Duty	2
Fail to Assist Public	1
Inadequate Investigation	1
Poor Advice/Explanation	1
Improper Interrogation/Interview	2
Abuse of Authority - Arrest	3
Abuse of Authority - Search/Seizure	1
Vexatious, Frivolous, Trivial	3
Substantiated Complaints (Members)	
Lack of Discretion	2
Uncivil	2
Excessive Force - No Injury/Death/Damage	1
Remedial Action	
Member Counselled	4
Member Counselled - Warning	1